licity seeker, who strives to gain publicity through some sensational speech or work, he took great pains with all that he did and posted himself thoroughly on every question that came before him. Others have spoken of his work on the committees on which he served and have told how zealously and faithfully he labored. I did not have the pleasure of serving with him on any committees, but did observe the faithfulness with which he watched carefully all matters of public interest that arose as the subject of legislation in Congress. He was a man of splendid judgment, and I came to rely very much on his opinions regarding matters that were in debate.

Mr. BRINSON realized how hampering inexperience with the parliamentary procedure was to a newly elected Member of the House, and with his kindness and unfailing courtesy it was always his pleasure to advise with me on matters upon which I consulted him. He pointed out to me the difficulties that a newly elected Representative would have, and he gave advice always cheerfully and most courteously. It is a great advantage to an inexperienced man in Congress to have the advice of such a man as Mr. BRINSON.

During a great part of the time he was evidently suffering a great deal, but I never heard him complain. He bore his illness with great fortitude and continued his labors when many a man of less determinnation would not have attempted to carry on his work.

There is a great place in the affairs of our country for such men, who do their work cheerfully and uncomplainingly and with fidelity and zeal in the public service. The rewards for public service come late to such men, but they always come in the course of time as their fidelity and honesty and earnestness impress more and more the men with whom they serve and the people for whom they work.

It is a sad duty to have to voice the regret at the death of a colleague and friend, but I felt, Mr. Speaker, that I desired to lay my humble tribute before you in behalf of this very devoted public servant.

ADJOURNMENT.

The SPEAKER pro tempore. As a further mark of respect to the memory of the deceased Senator and Representative, the House will stand adjourned until 12 o'clock noon to-morrow.

Accordingly (at 3 o'clock and 35 minutes p. m.) the House adjourned until to-morrow, Monday, February 12, 1923, at 12 o'clock noon.

SENATE.

MONDAY, *February 12, 1923.*

The Senate met at 11 o'clock a. m.

The Chaplain, Rev. J. J. Muir, D. D., offered the following prayer:

Our Father, we give Thee thanks for the brightness of the morning. We give Thee thanks that in the passage of the years Thou dost give to us inspiration and direction in the paths of duty. We call to mind men of noble character, of great and devoted patriotism, and for all they have been to their country in the times of great stress and need. We think of one especially this morning whose natal anniversary claims the attention of multitudes of our people. The Lord grant unto us always such a sense of duty, such a high regard for the highest and best interests of the country that we may serve Thee acceptably. Through Christ, our Lord. Amen.

NAMING A PRESIDING OFFICER.

The Secretary, George A. Sanderson, read the following communication:

UNITED STATES SENATE,
PRESIDENT PRO TEMPORE,
Washington, D. C., February 12, 1923.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE MOSES, a Senator from the State of New Hampshire, to perform the duties of the Chair this legislative day.

ALBERT B. CUMMINS,
President pro tempore.

Mr. MOSES thereupon took the chair as Presiding Officer and directed that the Journal be read.

The reading clerk proceeded to read the Journal of the proceedings of the legislative day of Monday, February 5, 1923, when, on request of Mr. CURTIS and by unanimous consent, the further reading was dispensed with and the Journal was approved.

DEPARTMENTAL USE OF AUTOMOBILES.

The PRESIDING OFFICER (Mr. MOSES) laid before the Senate a communication from the Secretary of Agriculture, transmitting, in response to Senate Resolution 399, agreed to January 6, 1923, a report concerning the number and cost of maintenance of passenger-carrying automobiles operated by the department in the District of Columbia, which was ordered to lie on the table.

Mr. MCKELLAR. Mr. President, I ask unanimous consent to have published in the RECORD in 8-point type the reply of Secretary Hughes transmitted by the President on Saturday to a resolution on the use of automobiles by the executive departments. I want to commend the reply of Secretary Hughes in regard to automobiles. I wish his example might be followed by other departments.

There being no objection, the message and the communication of the Secretary of State were ordered to be printed in the RECORD in 8-point type, as follows:

To the Senate:

I transmit herewith a report by the Secretary of State furnishing, in response to the Senate's resolution of January 6, 1923, information concerning the passenger automobile in use by the Department of State.

WARREN G. HARDING.

THE WHITE HOUSE, *February 10, 1923.*

The PRESIDENT:

The Department of State has received from the Secretary of the Senate an attested copy of a joint resolution adopted by the Senate on January 6, 1923, which reads as follows:

"*Resolved*, That the head of each department and the head of each independent bureau or commission of the Government in the city of Washington, including the District Commissioners, be, and they are hereby, directed to furnish to the Senate as early as may be practicable the number of passenger automobiles in use by such department, independent bureau, or commission; the name of the official or person to whom such automobile is assigned; the cost thereof; the cost of the upkeep and operation thereof; the salary or pay of chauffeur furnished, if one is furnished, to the end that the Senate may have accurate information as to the number of automobiles, the cost thereof, the person using same, and all the facts pertaining thereto in each department, independent bureau, or commission in the city of Washington. If allowances for privately owned automobiles are made in any department, independent bureau, or commission to officers or employees of such department, independent bureau, or commission, then the amount of such allowances for upkeep or operation shall be reported, with the names and positions of those to whom such allowances are made. Also the number, location, and cost of any garage or garages maintained by such department, independent bureau, or commission; where such garages are located; number of employees used in said garages; cost of same; rentals on same; and all other information in connection therewith; the number of passenger automobiles kept in said garages and the number of trucks; the names of such officers or employees keeping such automobiles in said garages. The heads of the several departments, independent bureaus, or commissions are likewise directed to furnish, in reports separate from the foregoing facts, like facts, figures, and information concerning the use, upkeep, and operation of all passenger vehicles in use in their said departments, independent bureaus, or commissions outside the city of Washington."

The undersigned, the Secretary of State, has the honor to furnish to the President the information requested by the resolution with respect to the Department of State, with a view to its transmission to the Senate if the President's judgment approve thereof:

The Department of State has one official passenger automobile which is assigned for the exclusive use of the Secretary of State. The car at present used by the Secretary of State is a LaFayette limousine which was purchased under authority granted by the act approved June 1, 1922, entitled "An act making appropriations for the Departments of State and Justice and for the judiciary for the fiscal year ending June 30, 1923, and for other purposes." The amount appropriated for the purchase was $4,500 and the cost of the car was $5,700. The difference of $1,200 between the amount appropriated and the purchase cost of the car was allowed by the selling company in exchange for the Packard limousine formerly assigned to the Secretary of State. Since July 1 last the cost of upkeep and operation of the car above mentioned, including gasoline, repairs, and storage charges, has averaged $91.10 per

month. This car is stored in the War Department garage. The storage charges which are included in the charges above stated, and which include washing and care of the car, amount to $20 per month. A chauffeur is provided for in the State Department appropriation act at a salary of $1,080 per annum. In addition to this salary, the chauffeur receives the bonus of $240 per annum allowed by law.

This is the only passenger automobile in use by the Department of State in or outside the city of Washington.

No allowances are made by the Department of State for any privately owned automobiles, nor is any garage maintained by the department for housing or storage of such automobiles.

Respectfully submitted.

CHARLES E. HUGHES.

DEPARTMENT OF STATE,
Washington, February 8, 1923.

REPORT OF THE COMPTROLLER OF THE CURRENCY.

The PRESIDING OFFICER laid before the Senate a communication from the Comptroller of the Currency, transmitting, pursuant to law, the annual report of the comptroller for the year ended October 31, 1922, which was referred to the Committee on Banking and Currency.

ROYAL DUTCH-SHELL OIL COMPANIES.

The PRESIDING OFFICER laid before the Senate a report of the Federal Trade Commission, made pursuant to Senate Resolution 311 (submitted by Mr. KING and agreed to on the calendar day of January 27, 1922), relative to the ownership by persons who are not citizens of the United States of shares of the Union Oil Co., a Delaware corporation, the Union Oil Co., a California corporation, and the Shell Oil Co., a California corporation, etc., which was referred to the Committee on Manufactures and, on motion of Mr. KING, the letter of submittal was ordered to be printed in the RECORD, as follows:

LETTER OF SUBMITTAL.

FEDERAL TRADE COMMISSION,
Washington, February 12, 1923.

To the PRESIDENT OF THE SENATE.

SIR: The Federal Trade Commission submits herewith a report on foreign ownership in the petroleum industry, pursuant to Senate Resolution 311, Sixty-seventh Congress, second session.

This report describes the organization, development, and present status of the Royal Dutch-Shell group, with special reference to its holdings in the United States, and particularly the absorption of the Union Oil Co. (Delaware); it relates the facts regarding the present ownership and control of the Union Oil Co., of California, and outlines the situation with respect to discrimination of foreign governments against citizens of this country in the acquisition and development of petroleum-producing properties in foreign lands.

The more important facts developed in this report may be concisely stated as follows:

1. The Royal Dutch-Shell group, a combination of the Royal Dutch Co. and the Shell Transport & Trading Co., of London, has world-wide oil investments, including numerous refineries, an immense fleet of tank ships, and petroleum production in many lands which, in 1921, was no less than 11 per cent of the world output.

2. The Royal Dutch-Shell group in February, 1922, consummated a merger of the principal properties and investments of the Union Oil Co. (Delaware), with its chief American subsidiaries, in a new company, the Shell Union Oil Corporation.

3. The Shell Union Oil Corporation now controls over 240,950 acres of oil lands in the United States; has about 3.5 per cent of the total output of crude petroleum; owns extensive properties in refineries, pipe lines, tank cars, and marketing equipment; and is one of the larger companies in the domestic petroleum industry.

4. The Union Oil Co. (Delaware) owned about 26 per cent of the stock of the Union Oil Co., of California, but, to prevent the Royal Dutch-Shell group from gaining control, certain stockholders of the Union of California organized an American-controlled holding company, which now owns more than half of its issued stock.

5. The most important instances of discrimination by foreign governments against citizens of this country are the exclusive policies of the Governments of Great Britain and the Netherlands in respect to the oil fields of India and the Dutch East Indies, and the 1922 San Remo agreement of Great Britain and France covering the undeveloped oil fields of Mesopotamia and of the British and French colonies.

6. Denial of reciprocity of treatment to citizens of this country appears to exist with respect to the petroleum industry of Australia, British Borneo, certain African colonies, British Honduras, British Guiana, and Trinidad; France and French possessions; Italy, and the Netherlands and its dependencies.

7. Thus forced to modify its historic policy, Congress in 1920 enacted a mineral leasing law for public lands, which forbids the acquisition of properties by the nationals of any foreign country that denies reciprocity to Americans, in consequence of which certain applications for petroleum leaseholds have been denied to the Royal Dutch-Shell group.

What further efforts may be made by this combination to acquire privately owned petroleum lands or competing oil companies, it is, of course, impossible to predict, or how far antitrust laws may be effective to prevent them.

The supply of crude petroleum in this country is being rapidly depleted to meet the requirements of a growing domestic consumption and foreign trade. The sources of supply of the domestic industry are concentrated within its own borders and in Mexico, while those of its principal competitor are widely distributed throughout the whole world. It appears obvious that a nation having widely distributed supply and storage facilities and owning the means of distribution will have certain advantages in world trade against one having concentrated supply.

Respectfully,

FEDERAL TRADE COMMISSION,
By HUSTON THOMPSON,
Acting Chairman.

Attest:

OTIS B. JOHNSON, *Secretary.*

PETITIONS AND MEMORIALS.

Mr. ROBINSON. The General Assembly of the State of Arkansas, now in session, on the 6th instant adopted a resolution advocating an amendment to the Constitution of the United States with respect to the taxation of securities. I ask that the resolution be referred to the Committee on the Judiciary and in conformity to the practice of the Senate that it be printed in the RECORD.

The PRESIDING OFFICER. The resolution will be referred to the Committee on the Judiciary and under the rule it will be printed in the RECORD.

The resolution is as follows:

Senate Concurrent Resolution 14.

Whereas there is now pending before our National Congress a measure known as the Green resolution, for the purpose of bringing about an amendment to our Federal Constitution to make it possible to tax securities now exempted from taxation: And now, therefore, be it

Resolved by the senate (the House of representatives concurring therein), That after full consideration of the subject we hereby indorse the Green resolution now pending in Congress, and we respectfully request the Arkansas delegation in Congress to take the proper steps to make effective our wishes in regard to this matter; and be it further

Resolved, That the President of the Senate is hereby directed to have copies of this resolution printed and forwarded at once to the President of the United States Senate, the Speaker of the House of Representatives in Congress, and to each of our delegation in Congress.

Mr. WALSH of Montana. Mr. President, I present and ask to have referred to the Committee on Irrigation and Reclamation a memorial of the Legislative Assembly of the State of Montana, praying for the enactment of a law authorizing the issuance of patents for the farm units on Federal reclamation projects, subject to final payment for the same, in order that taxes may be levied thereon.

The PRESIDING OFFICER. The memorial will be received and referred to the Committee on Irrigation and Reclamation, and under the rule printed in the RECORD.

The memorial is as follows:

Senate Joint Memorial No. 1, introduced by Rhoads.

Memorial to the Congress of the United States to enact such legislation as may be necessary to issue patents to farm units on Federal reclamation projects in order that such farm units may become taxable.

To the honorable Senate and House of Representatives in the Congress of the United States of America:

Your memorialists, the members of the Eighteenth Legislative Assembly of the State of Montana, the senate and house concurring, respectfully represent:

Whereas during the past few years many Federal reclamation projects have been established in the State of Montana and the farm units thereof sold to settlers; and

Whereas such settlers have established schools and road districts on such projects which depend for maintenance and support upon taxes levied for that purpose upon the property of such settlers, including the equity of such settlers in the said farm units; and

Whereas by a recent decision of the Supreme Court of the United States (Irvin *v.* Webb, U. S. Sup. Ct. 66 L. ed. 333) the said farm units have been held to be nontaxable until patents therefor have been issued to the purchaser; and

Whereas under the existing laws of the United States such patents may not be issued until the final payment is made for such farm units; and

Whereas the money derived from taxation of the personal property alone on such projects is not sufficient to maintain the schools and roads established on said projects: Therefore be it

Resolved, That it is the sense of this legislative assembly that the Congress of the United States should enact such legislation as may be necessary to authorize the issuance of patents for the farm units on Federal reclamation projects, subject to the final payment for the same, in order that taxes may be levied thereon; and be it further

Resolved, That a copy of this memorial be forwarded to the Senate and House of Representatives of the United States and to each of the Senators and Representatives from Montana in Congress.

NELSON STORY, Jr.,
President of the Senate.
CALVIN CRUMBAKER,
Speaker of the House.

Approved February 2, 1923.

JOS. M. DIXON, *Governor.*

Filed February 2, 1923, at 3.40 o'clock p. m.
C. T. STEWART, *Secretary of State.*

Mr. WILLIS. Mr. President, I ask unanimous consent to have printed in the RECORD and to lie on the table a brief resolution adopted by the directors of the Burley Tobacco Growers' Cooperative Association, at Lexington, Ky., with reference to the funding of the foreign debt.

There being no objection, the resolution was ordered to lie on the table and to be printed in the RECORD, as follows:

BURLEY TOBACCO GROWERS' COOPERATIVE ASSOCIATION (INC.),
Lexington, Ky.

The following resolution was unanimously adopted at the regular meeting of the directors of the Burley Tobacco Growers' Cooperative Association, held at Lexington, Ky., Wednesday, February, 7, 1923, and the secretary was directed to mail a copy of same to each of the honorable United States Senators and Representatives from the States of Kentucky, Ohio, Indiana, Tennessee, and West Virginia, being the States in which virtually all of the burley tobacco grown in this country is produced, and to bespeak their earnest and favorable consideration of same, to wit:

"Whereas it is known to all that there can be no real stabilization of the commercial or economic condition of the world, that its peace will remain in jeopardy until there is some settlement of existing debts between the nations involved in the late World War, and that the best interests of all the people of the earth will be served by the earliest settlement that can be arrived at; and

"Whereas there is no people of this country and no industry of this Nation that is more vitally concerned in the settlement of said question than the farmers and those engaged in the farming industry of this country; and

"Whereas such a settlement will open up to the farmers and allied business interests additional markets for the consumption of the growing surplus of this country, thereby affording greater opportunity for profit and employment of our people, which is daily becoming more of a necessity to our peace and progress; and

"Whereas Great Britain is now our largest customer and the greatest consumer of our surplus products, and whatever adds to its purchasing power adds to our prosperity, and by the stabilization of its affairs all of Europe will be helped and started on the road to peace, prosperity, and a better understanding: Therefore be it

"*Resolved*, That it is the unanimous opinion of this board, representing a membership of 78,864 members, numbering among its membership some of the largest landowners, taxpayers, and growers of farm products in the States of Kentucky, Ohio, Indiana, Tennessee, and West Virginia, that the best interests of the United States and the world at large will be served and farming and other business of our country sooner revived and substantially improved by the early approval by Congress of the terms recommended by the American commission on the refunding of the British debt to the United States growing out of the late World War. We feel that the immediate settlement upon the terms agreed upon and at the rate of interest fixed by said commission will afford our people to soon make more thorough cordial business relations than can possibly be obtained by quibbling over a small increase in the interest rate or a shortening of maturity."

We want what our boys fought for—an early and liberal settlement of world conditions.

Mr. McNARY presented the following concurrent resolution of the Legislature of Oregon, which was referred to the Committee on Finance:

STATE OF OREGON,
THIRTY-SECOND LEGISLATIVE ASSEMBLY, REGULAR SESSION,
Hall of Representatives.

House Joint Memorial No. 3.

To the honorable Senate and House of Representatives of the United States in Congress assembled:

Your memorialists, the Legislature of the State of Oregon, respectfully represent that—

"Whereas the Senate and House of Representatives of Oregon State Legislature have under consideration at the present time various income-tax measures which have been introduced ostensibly for the purpose of redistribution of the tax burden of the State of Oregon; and

"Whereas the people of the State of Oregon indicated by their affirmative vote at the last general election their desire for an income tax measure; and

"Whereas there is a strong probability that an income-tax measure will be passed by the present legislative assembly; and

"Whereas in the event such income-tax measure is passed it will be necessary for the officers of the State of Oregon to have access to the income-tax returns filed under the Federal income tax law now in effect; and

"Whereas the officers of the State of Oregon do not now have access to the income-tax returns filed by individuals: Therefore be it

"*Resolved by the House of Representatives of the State of Oregon (the Senate jointly concurring)*, That we most earnestly petition and memorialize the Senate and House of Representatives of the United States of America in Washington in the name of the State of Oregon that Congress enact such legislation as will permit and require the various collectors of internal revenue to permit upon application of such commission or person as authorized by the Governor of the State of Oregon to examine any and all income-tax returns filed under the Federal income tax act by individuals, corporations, and others doing business in the State of Oregon, as well as any persons, corporations, or others deriving any income from business transacted in the State of Oregon: *Provided, however*, That the same secrecy which safeguards income-tax records made to the Federal Government be extended to any information regarding income-tax statements furnished to the officials of the State of Oregon; and be it further

"*Resolved*, That the secretary of state of the State of Oregon be, and he is hereby, instructed to forward a copy of this resolution to each Member of Congress of the United States of America and to the respective legislatures of the respective States of the United States."

Adopted by the house January 29, 1923.
K. K. KUBLI,
Speaker of the House.

Adopted by the senate January 30, 1923.
JAY UPTON,
President of the Senate.

(Indorsed: House joint memorial No. 3, introduced by Mr. McMahan, of Linn County; W. F. Drager, chief clerk. Filed February 2, 1923, Sam A. Kozer, secretary of state.)

UNITED STATES OF AMERICA,
STATE OF OREGON,
Office of the Secretary of State.

I, Sam A. Kozer, secretary of state of the State of Oregon and custodian of the seal of said State, do hereby certify:

That I have carefully compared the annexed copy of house joint memorial No. 3 with the original thereof adopted by the Senate and House of Representatives of the Thirty-second Legislative Assembly of the State of Oregon and filed in the office of the secretary of state of the State of Oregon February 2, 1923, and that the same is a full, true, and complete transcript therefrom and of the whole thereof, together with all indorsements thereon.

In testimony whereof I have hereunto set my hand and affixed hereto the seal of the State of Oregon. Done at the capitol at Salem, Oreg., this 2d day of February, A. D. 1923.

[SEAL.]
SAM A. KOZER,
Secretary of State.

Mr. LADD. I ask unanimous consent to present and have referred to the Committee on Agriculture and Forestry and printed in the RECORD in 8-point type a concurrent resolution of the Legislature of North Dakota recommending and urging stabilization of wheat prices.

There being no objection, the concurrent resolution was referred to the Committee on Agriculture and Forestry and ordered to be printed in the RECORD in 8-point type, as follows:

[Eighteenth Legislative Assembly of North Dakota, begun and held at the capitol in the city of Bismarck on Tuesday, the 2d day of January, 1923.]

Concurrent resolution.

Be it resolved by the House of Representatives of the Eighteenth Legislative Assembly of the State of North Dakota (the Senate concurring therein)—

Whereas since the cessation of the war with Germany and the removal of the minimum wheat price guaranty of the Federal Government in effect during a part of the period of said war, the price of wheat to the wheat producer of the Northwest has depreciated to a point far below the cost of production; and

Whereas the general level of price on articles which the wheat producer is obliged to buy and consume gives no promise of a proportionate reduction, but, on the contrary, appears to be increasing at this time; and

Whereas these circumstances have caused an unprecedented condition of distress to the wheat producer of the Northwest, and to all legitimate enterprises more or less directly dependent upon his prosperity and solvency, which condition of distress is so acute as to threaten a great loss of population in the farming communities of the Northwest, accompanied by consequent insolvency, bankruptcy, and other results so dire and serious as to directly and indirectly affect a large proportion of the population of the Nation; and

Whereas the Federal guaranty of a minimum price on wheat during a part of the war period was, in fact, a serious injustice to the wheat producer of the Northwest, resulting as it did in greatly reducing his price far below the level of the price which supply and demand conditions would have otherwise created, and which therefore operated as an actual and artificial reduction and limitation of his price and not as a subsidy; and

Whereas the Government of the United States received $50,000,000 as profits from the operation of the United States Grain Corporation during the war, which really belongs to the producer; and

Whereas the Northwest wheat producer alone among all the producers in the United States suffered such arbitrary reduction in the price of his product during the war period from which the entire consuming public directly benefited, he being obliged during the said period to pay the highest market prices for all articles which he used and consumed, there being no governmental limitation on the price of any such article during said period; and

Whereas this present condition resulting from the foregoing is such as to threaten a calamity: Now, therefore, be it

Resolved by the House of Representatives of the Eighteenth Legislative Assembly of the State of North Dakota (the Senate concurring therein), That we do hereby respectfully urge the Congress of the United States to take cognizance of the present situation in which the Northwest wheat farmer is placed, and the circumstances which have resulted in his present condition of distress and guarantee a minimum price of $1.50 per bushel while this emergency lasts; be it further

Resolved, That inasmuch as the policy of Government aid has been recognized under similar circumstances as being proper and constitutional and was so recognized in the six months' guaranty provision to the railroads, and is now being urged in connection with the so-called ship subsidy bill, the Congress of the United States is hereby respectfully urged and earnestly petitioned to labor to the end that it may find a proper and constitutional means of bringing immediate relief to the Northwest wheat producer by guaranteed price; be it further

Resolved, That the secretary of state be directed to transmit a copy of this resolution to the President of the United States, the President of the United States Senate, the Speaker of the

National House of Representatives, and to all Members of both Houses of the National Congress from North Dakota immediately upon its passage and approval.

RAY JOHNSON,
Speaker of the House.
W. F. CUSHING,
Chief Clerk of the House.
FRANK H. HYLAND,
President of the Senate.
[SEAL.] W. E. PARSONS,
Secretary of the Senate.

This certifies that the foregoing resolution was adopted by the House of Representatives of the Eighteenth Legislative Assembly of the State of North Dakota, the senate concurring therein.

W. F. CUSHING,
Chief Clerk of the House.

Mr. LADD presented a resolution of the Benson County National Farm Loan Association, of North Dakota, protesting against the passage of House bill 13125, proposing to amend certain sections of the Federal farm loan act, which was referred to the Committee on Banking and Currency.

He also presented petitions of 24 citizens of Tioga and White Earth, N. Dak., praying for the passage of legislation abolishing the discriminatory tax in existing law on small-arms ammunition and firearms, which were referred to the Committee on Finance.

He also presented a resolution of the Benson County National Farm Loan Association, of North Dakota, protesting against the passage of House Joint Resolution 314, proposing an amendment to the Constitution of the United States making all Federal securities subject to State income tax, and all State, county, and municipal securities subject to Federal income tax, which was referred to the Committee on the Judiciary.

He also presented a resolution adopted at an executive council meeting of the International Typographical Union with the executive boards of the International Printing Pressmen and Assistants' Union, the International Photo-Engravers' Union, the International Stereotypers and Electrotypers' Union, and the International Brotherhood of Bookbinders, at Indianapolis, Ind., protesting against the passage of the so-called ship subsidy bill, which was ordered to lie on the table.

Mr. McLEAN presented a petition of the directors of the Norwich (Conn.) Chamber of Commerce, favoring the passage of Senate bill 4202, providing for the creation of a national police bureau in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a resolution adopted by the United Congregational Church School, of Norwich, Conn., favoring an amendment to the Constitution regulating child labor, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES.

Mr. McNARY, from the Committee on Agriculture and Forestry, to which were referred the joint resolution (S. J. Res. 91) authorizing the President to require the United States Equalization Board (Inc.) to adjust a transaction relating to 3,500 tons of sugar imported from the Argentine Republic, and the joint resolution (S. J. Res. 172) authorizing the President to require the United States Sugar Equalization Board (Inc.) to take over and dispose of 2,000 tons of sugar imported from the Argentine Republic and adjust the loss sustained thereby, reported them favorably without amendment and submitted a report (No. 1135) thereon.

Mr. NELSON, from the Committee on the Judiciary, to which was referred the bill (H. R. 6423) to detach Pecos County, in the State of Texas, from the Del Rio division of the western judicial district of Texas and attach same to the El Paso division of the western judicial district of said State, reported it without amendment and submitted a report (No. 1136) thereon.

Mr. McCUMBER, from the Committee on Finance, to which was referred the bill (H. R. 13775) to amend the revenue act of 1921 in respect to credits and refunds, reported it with amendments and submitted a report (No. 1137) thereon.

He also, from the Committee on the Library, to which were referred the following bills and joint resolution, reported them severally without amendment:

A bill (S. 4350) authorizing the Secretary of the Interior to erect a monument at Fort Pierre, S. Dak., to commemorate the explorations and discoveries of the Verendrye brothers, and to expend not to exceed $25,000 therefor;

A bill (S. 4463) to authorize the erection of a memorial monument or fountain as a gift to the people of the United States by the Henry B. F. Macfarland memorial committee; and

A joint resolution (S. J. Res. 277) granting permission for the erection of a monument to symbolize the national game of baseball.

Mr. McCUMBER, from the Committee on the Library, to which was referred the joint resolution (S. J. Res. 274) to provide for the participation of the United States in the observance of the one hundredth anniversary of the enunciation of the Monroe doctrine and of the ninety-second anniversary of the death of James Monroe, reported it with an amendment.

Mr. CAMERON, from the Committee on Military Affairs, to which was referred the bill (S. 3761) for the relief of James Moran, reported it with amendments and submitted a report (No. 1138) thereon.

Mr. NEW, from the Committee on Claims, to which was referred the bill (S. 4308) to authorize the general accounting officers of the United States to allow credit to certain disbursing officers for payments of salary made on properly certified and approved vouchers, reported it without amendment and submitted a report (No. 1140) thereon.

SOUTHERN TRANSPORTATION CO.

Mr. PAGE. The bill (H. R. 7010) for the relief of the Southern Transportation Co. was considered by the Committee on Claims of the House and referred to the Committee on Naval Affairs of the Senate. I can not understand why it was sent to the Committee on Naval Affairs. I have taken up the matter with the Senator from Kansas [Mr. CAPPER], the chairman of the Committee on Claims, and he thinks the bill should properly go to that committee. I move that the Committee on Naval Affairs be discharged from the further consideration of the bill and that it be referred to the Committee on Claims.

The motion was agreed to.

AMERICAN EMBASSY IN SANTIAGO, CHILE.

Mr. LODGE. From the Committee on Foreign Relations I report back favorably, without amendment, the bill (S. 4522) authorizing the Secretary of State to convey certain land owned by the United States in Santiago, Chile, to the municipality of that city, and to acquire or receive in exchange therefor other land located in the said city.

I ask unanimous consent for the present consideration of the bill.

Mr. ROBINSON. Will the Senator from Massachusetts explain the bill?

Mr. LODGE. Yes; it is very easily explained. We bought and own a very fine embassy in the city of Santiago, Chile, with the land surrounding the embassy. On a portion of the land, a small lot 15 by 40 feet, with frontage on another street, there is a small adobe shanty. The city is going to put a new street through there and desires to take that small lot in order to get rid of the building, and will give us another piece of land at the other end of the embassy grounds which is even better than the lot to be taken by them. It is a good exchange for us. The bill is simply to authorize the Secretary of State to make the exchange of this small parcel of land.

Mr. ROBINSON. I think there is no objection to the bill.

Mr. LODGE. There can be no objection to it.

There being no objection, the bill was considered as in Committee of the Whole, and was read, as follows:

Be it enacted, etc., That the Secretary of State, acting as the agent of the Government of the United States, is hereby authorized to convey to the municipality of Santiago, Chile, the title to and interest in a portion, containing not more than 30 square meters, of that parcel of land located in the city of Santiago on which the American Embassy is situated, together with the building thereon, known as 206 Merced Street, and other appurtenances thereto, and to acquire with the proceeds thereof, which are hereby appropriated for that purpose, or receive in exchange therefor, title to a parcel of land not exceeding 30 square meters in extent at the western end of Bueras Street and the appurtenances pertaining thereto.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. WELLER:

A bill (S. 4526) authorizing the construction, maintenance, and operation of a dam and appurtenant intake and outlet structures across or in the Potomac River at or near Williamsport, Washington County, Md.; to the Committee on Commerce.

By Mr. SHEPPARD:

A bill (S. 4527) for the relief of A. H. Rebentish; to the Committee on Claims.

A bill (S. 4529) to complete the publication of the Moses Austin and Stephen F. Austin papers; to the Committee on Appropriations.

By Mr. BROOKHART:

A bill (S. 4530) granting a pension to Ed Colins; to the Committee on Pensions.

By Mr. BURSUM:

A bill (S. 4531) granting a pension to Nestor Alarcon;

A bill (S. 4532) granting a pension to Bernard Higgins;

A bill (S. 4533) granting a pension to Fannie E. Hilton;

A bill (S. 4534) granting an increase of pension to Edith B. Macon; and

A bill (S. 4535) granting a pension to Felipe Perata y Cisneros; to the Committee on Pensions.

KANSAS CITY, MEXICO & ORIENT RAILROAD.

Mr. SHEPPARD introduced a bill (S. 4528) for the relief of the Kansas City, Mexico & Orient Railroad of Texas, Oklahoma, and Kansas, which was read twice by its title and referred to the Committee on Interstate Commerce.

Mr. SHEPPARD. I present, for reference to the Committee on Interstate Commerce, a memorial of the Texas Legislature supporting the bill which I have introduced for the relief of the Kansas City, Mexico & Orient Railroad.

The memorial was referred to the Committee on Interstate Commerce and ordered to be printed in the RECORD, as follows:

Resolution relating to Orient Railroad, by Texas Legislature, on January 17, 1922.

The speaker laid before the house for consideration at this time the following resolution:

Senate Concurrent Resolution No. 8, relating to the Orient Railroad.

Resolved by the Senate of the State of Texas (the House of Representatives concurring), That the following memorial and petition to the Congress of the United States and prayer for relief from pending disaster and destruction of the Orient Railroad be adopted by the Thirty-eighth Legislature of the State of Texas and presented to the Congress of the United States and to the Interstate Commerce Commission; that

Whereas the Kansas City, Mexico & Orient Railroad, particularly that part of it built through Texas, is built through a pioneer section of the State susceptible of great development possibilities if given transportation facilities that must come through the proper maintenance and operation of said road, which aid and assistance can only come through the united action of our Federal Congress and the Interstate Commerce Commission permitting said road and the physical properties thereof to be taken over and operated under such conditions as will permit said road to continue as a factor for good in the development of that section of the State through which it has been constructed; and

Whereas the necessity for such transportation facilities in the proper development of the pioneer section of our country has heretofore been recognized and encouraged both by Federal and State land grants; and

Whereas said land grants can no longer be extended to any road because of the exhaustion of the public lands by such railroad grants; and

Whereas a great injustice can be done to a patriotic citizenship by permitting the abandonment of said railroad and the discontinuance of its operations: Therefore be it

Resolved, That the plan heretofore submitted to the Interstate Commerce Commission of the United States by the Hon. Lynch Davidson, lieutenant governor of the State of Texas, and embodied in this resolution, as follows—

Immunity from and relaxation of both Federal and State transportation laws are solvents to save the Orient Railroad from abandonment, the scrap pile, and wreckage.

That purpose is to be accomplished by Federal and State legislation, an act to be enacted by the Federal Government exempting any railroad owned or of which a substantial part is owned by a sovereign State or by the Nation from all transportation acts and laws other than the ordinary civil laws of the State and Nation.

The classification of the Federal acts to provide that the title of a road or roads enjoying such immunity shall be vested in a sovereign State or an agency created by a sovereign State, which agency shall be equivalent to State ownership of some substantial part of the road or all of said road.

To further provide that any debt or obligation owing to the Federal Government by any road or roads so situated, whose rehabilitation and operation have been assumed by a State, shall be subordinated to all claims and moneys expended by said State in the rehabilitation or operation of such railroad.

The measure to further provide that any net profits not essential to improvements, development, and betterments shall apply 50 per cent to the State and 50 per cent to repayment of any sum advanced by the Federal Government.

To further provide that such immunity, in the event of sale, transfer, or lease of a road to individuals or corporations, etc., shall continue for a period of 10 or 15 years following such transfer, lease, or conveyance, provided the State shall retain its control of said road and reserve the right to direct its affairs.

The Federal act to require the State or States to furnish the necessary capital for rehabilitation and operation of the road to which it has taken title, and such requirements to constitute a substantial guaranty of continuity of operation of such road or roads by the State or those holding under it.

Repayment of all moneys due the State and Nation or by a railroad under this classification shall be condition of its relinquishment by the State.

The Federal act to be effective upon only the enactment of corresponding legislation by a State or States—

Be submitted to the Congress of the United States, with the request that suitable legislation be enacted carrying said plan into effect and directing the Interstate Commerce Commission of the United States to make all suitable and necessary rules and regulations for the maintenance, operation, conduct, control, and management of said road in accordance with the terms of said plan.

Be it further resolved, That copies of this resolution be presented to the Oklahoma Legislature, now in session, and to the Kansas Legislature, now in session.

The resolution was read second time.

On motion of Mr. Chitwood, the resolution was referred to the committee on State affairs.

THE MERCHANT MARINE.

Mr. FLETCHER submitted an amendment intended to be proposed by him to the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENTS TO THIRD DEFICIENCY APPROPRIATION BILL.

Mr. CALDER submitted an amendment providing that the Comptroller General of the United States be authorized and directed to adjust and audit the claim of the city of New York for expenses incurred by said city in aiding to suppress the insurrection against the United States during the years 1861 to 1865, etc., intended to be proposed by him to the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

Mr. BURSUM submitted an amendment proposing to pay $1,200 to Alexander K. Meek for extra and expert services rendered to the Committee on Pensions during the third and fourth sessions of the Sixty-seventh Congress as an assistant clerk to said committee by detail from the Bureau of Pensions, intended to be proposed by him to the third deficiency appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

ADDITIONAL CLERK TO DISTRICT COMMITTEE.

Mr. BALL submitted the following resolution (S. Res. 437), which was referred to the Committee to Audit and Control the Contingent Expenses of the Senate:

Resolved, That S. Res. 339, agreed to September 13, 1922, authorizing the Committee on the District of Columbia to continue the employment of an additional clerk, payable out of the contingent fund, until the end of the present Congress, be, and the same hereby is, further continued in full force and effect until the end of the Sixty-eighth Congress.

MONTHLY REPORTS OF CONDITION OF RAILROAD EQUIPMENT.

Mr. LA FOLLETTE. Mr. President, I ask leave to submit a resolution, which I ask may be printed in the RECORD.

Mr. ROBINSON. Let the resolution be read for the information of the Senate.

The resolution (S. Res. 438) was read, as follows:

Resolved, That the Interstate Commerce Commission be, and it is hereby, requested to report to the Congress, and when Congress is not in session to the President, as soon as possible after the first day of each month the condition of railroad equipment as revealed by the reports of the carriers and by the inspections of the commission, the number of persons killed, the number injured upon the railroads, and any other available data bearing upon the physical condition of the railroads and of railroad equipment, together with a statement of what action, if any, has been taken by the Interstate Commerce Commission within its statutory power to remedy the situation.

Resolved further, That such monthly reports as soon as transmitted to the President or to the Congress shall be available to the public.

Mr. LA FOLLETTE. I ask that the resolution lie upon the table, to be called up by me at the first opportunity.

The PRESIDING OFFICER. It will lie upon the table.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. Overhue, its enrolling clerk, announced that the House had adopted the concurrent resolution (S. Con. Res. 38) requesting the President to return to the Senate the bill (S. 2023) defining the crop failure in the production of wheat, rye, or oats by those who borrowed money from the Government of the United States for the purchase of wheat, rye, or oats for seed, and for other purposes.

The message also announced that the House had passed a joint resolution (H. J. Res. 440) to satisfy the award rendered against the United States by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway, in which it requested the concurrence of the Senate.

The message further announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13926) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 10 and 25 to the said bill and concurred therein; and that the House had receded from its disagreement to the amendment of the Senate numbered 26 and concurred therein with an amendment, in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the report of the committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 13660) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of such District for the fiscal year ending June 30, 1924, and for other purposes; that the House had receded from its disagreement to the amendments of the Senate numbered 24, 55, 64, 65, 75, 117, and 123 to the said bill and concurred therein; that the House had receded from its disagreement to the amendments of the Senate numbered 33, 56, 76, 83, 105, 112, 116, 118, 124, 126, and 129 and had concurred therein, severally, with an amendment, in which it requested the concurrence of the Senate; and that the House further insisted upon its disagreement to the amendment of the Senate numbered 127.

The message further announced that the Speaker of the House had signed the following enrolled bills, and they were thereupon signed by the Presiding Officer [Mr. MOSES] as Acting President pro tempore:

H. R. 855. An act for the relief of Fred G. Leith, United States Navy;

H. R. 6204. An act to grant the military target range of Lincoln County, Okla., to the city of Chandler, Okla., and reserving the right to use for military and aviation purposes;

H. R. 11389. An act for the relief of Robert Guy Robinson;

H. R. 12007. An act providing for the conveyance of certain land to the city of Boise, Idaho, and from the city of Boise, Idaho, to the United States;

H. R. 12887. An act granting a pension to Jacob F. Rosenberger; and

H. R. 13696. An act making appropriations for the Executive Office and sundry independent executive bureaus, boards, commissions, and offices for the fiscal year ending June 30, 1924, and for other purposes.

HOUSE JOINT RESOLUTION REFERRED.

H. J. Res. 440. A joint resolution to satisfy the award rendered against the United States by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway was read twice by its title and referred to the Committee on Appropriations.

THE CALENDAR.

The PRESIDING OFFICER. Morning business is closed and the calendar under Rule VIII is in order.

Mr. CURTIS. I ask unanimous consent that this morning we begin the call of the calendar at the number where we left off on the last calendar day, Calendar No. 992, and that unobjected bills be considered.

The PRESIDING OFFICER. The Senator from Kansas asks unanimous consent that the calling of the calendar may begin with No. 992, and that unobjected bills be considered. Is there objection?

Mr. STERLING. Is that done with the understanding that we shall begin then at the beginning of the calendar?

Mr. CURTIS. Certainly; if the call of the calendar is completed before 2 o'clock, then we will begin at the beginning of the calendar.

The PRESIDING OFFICER. Is there objection to the request made by the Senator from Kansas?

Mr. McNARY. I wish to inquire if that is the number at which we stopped when the calendar was last called?

The PRESIDING OFFICER. It is the number, as the Chair stated.

Mr. McNARY. Then if we finish the rest of the calendar, we will start with the first number on the calendar?

Mr. CURTIS. Yes; we shall then start at the beginning.

The PRESIDING OFFICER. The Chair so understands. Is there objection to the request made by the Senator from Kansas that the calling of the calendar begin with No. 992 and that unobjected bills be considered? The Chair hears no objection. The Secretary will report Calendar No. 992.

Mr. UNDERWOOD. As I understand the order, it is that we will consider only unobjected bills?

The PRESIDING OFFICER. That was the request.

Mr. ROBINSON. What was the request of the Senator from Kansas?

The PRESIDING OFFICER. The request of the Senator from Kansas was that the call of the calendar should begin with the number where the call of the calendar was left off on the last day it was considered, and that unobjected bills shall be considered. The Secretary will report Calendar No. 992.

Calendar No. 992, the bill (S. 129) to provide for election contests in the Senate of the United States, was announced as first in order.

Mr. WALSH of Montana. That bill was reported from the Committee on Privileges and Elections. I have not yet had an opportunity to look into it fully, and I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. ASHURST. Mr. President, this is calendar Monday, and I emphatically object to call the calendar in any other fashion than in accordance with the rule. That is to say, I desire the rule to be strictly observed in this respect: That if anyone objects to a bill, a Senator shall have the right to move to proceed to its consideration.

Mr. LODGE. The order has already been made.

The PRESIDING OFFICER. The Chair will state that unanimous consent has already been granted.

Mr. ASHURST. Then, of course, I am helpless and powerless, but I shall hereafter insist that those who ask for unanimous consent shall at least not whisper the request. I do not know who made it, and I think that is not exactly the best way to proceed with the calendar. I promised over a dozen Senators that we should have calendar Monday, but a whispered conversation arises as a result of which we are precluded from moving to proceed to the consideration of bills that are objected to. I ask unanimous consent that the order be rescinded and that the calendar be called as the rule requires it to be called.

Mr. CURTIS. In view of the fact that I presented the unanimous-consent request and stood in the center aisle, as I did so, and stated it loudly enough for the Chair to hear, and it was submitted to the Senate about three times by the Chair, I shall object to the Senator's request.

The PRESIDING OFFICER. Objection is made.

Mr. FRELINGHUYSEN. I should like to ask the Senator from Kansas whether there will be an opportunity to consider those bills which precede Calendar No. 992. There are a number of us interested in those bills, and we would like to have them considered if possible.

Mr. CURTIS. It was stated when the unanimous-consent request was agreed to that if the calendar was completed before 1 o'clock, we would begin at the beginning and the call would proceed in that way.

The PRESIDING OFFICER. The Chair will announce for information that, in pursuance of that understanding, the Chair will hold that bills objected to, prior to No. 992 on the calendar, may be taken up on motion.

Mr. CURTIS. That is right.

The PRESIDING OFFICER. The next bill on the calendar will be reported.

The bill (H. R. 7761) to amend the Revised Statutes of the United States relative to proceedings in contested-election cases was announced as next in order.

Mr. ASHURST. Let that go over.

The PRESIDING OFFICER. The bill goes over.

The bill (S. 4283) to authorize the Commissioners of the District of Columbia to require operators of motor vehicles in the District of Columbia to secure a permit, and for other purposes, was announced as next in order.

Mr. ASHURST. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3773) to reduce night work in the Postal Service was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4248) to fix the compensation of employees in post offices for overtime services performed in excess of eight hours daily was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 3942) for the relief of John H. McAtee was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

The bill (S. 4315) to amend section 2 of the legislative, executive, and judicial appropriation act, approved July 31, 1894, was announced as next in order.

Mr. KING. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

ESTATES OF CITIZENS DYING ABROAD.

The bill (S. 4379) to amend section 1709 of the Revised Statutes of the United States, as amended, was announced as next in order.

The reading clerk proceeded to read the bill.

Mr. ROBINSON. Mr. President, I ask the Senator from Minnesota [Mr. NELSON], who I observe reported this bill, to make a statement respecting its purpose.

Mr. NELSON. Mr. President, I will make a brief explanation of the bill. It relates to the disposition by the diplomatic and consular officers of the Government of the funds arising from the estates or effects of citizens of the United States who die abroad. At present such funds are handled by the Secretary of State, and the purpose of this bill is to turn them over to the accounting officers of the Government. No change is proposed in the existing law except the transfer of such funds to the accounting officers of the Government.

Mr. ROBINSON. Is the report of the committee unanimous in favor of the bill?

Mr. NELSON. Yes; the report is unanimously in favor of the bill.

Mr. ROBINSON. I have no objection to the consideration of the bill.

Mr. KING. Let the bill be read.

Mr. UNDERWOOD. I should like to have the bill read.

The PRESIDING OFFICER. The bill will be read.

The bill was read, and the Senate, as in Committee of the Whole, proceeded to its consideration, as follows:

Be it enacted, etc., That section 1709 of the Revised Statutes of the United States as amended by the act of March 3, 1911, is hereby further amended so that the fifth and sixth paragraphs of the said section shall read as follows:

"Fifth. To transmit the balance of the estate to the General Accounting Office, to be holden in trust for the legal claimant; except that if at any time before such transmission the legal representative of the deceased shall appear and demand his effects in their hands they shall deliver them up, being paid their fees, and shall cease their proceedings.

"Sixth. The General Accounting Office shall act as conservator of such part of these estates as may be received, and for their protection the Comptroller General of the United States may order such effects to be sold as may consist of jewelry or other articles which have heretofore or may hereafter be received, and pay the expenses of such sale out of the proceeds: *Provided*, Application for these effects shall not have been made by the legal claimant within two years after their receipt. The Comptroller General is authorized to indorse all bills of exchange, promissory notes, and other evidences of indebtedness due to such estates, and to take such steps as may be necessary for their collection. The proceeds of such sales, together with such other moneys as may be collected by him, shall be deposited into the Treasury in trust for the legal claimant, and be reported to the Secretary of State."

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

MAILING PRIVILEGES FOR PUBLICATIONS FOR THE BLIND.

The bill (S. 3078) to provide for the free transmission through the mails of certain publications for the blind was announced as next in order.

Mr. STERLING. Mr. President, I am requested by the author of that bill to ask that the bill go over pending some conferences which it is desired may be held with the Post Office Department relative to the measure. It is an important bill.

The PRESIDING OFFICER. The bill will be passed over. The Secretary will state the next bill on the Calendar.

EUGENE K. STOUDEMIRE.

The bill (S. 1031) for the relief of Eugene K. Stoudemire was considered in Committee of the Whole.

The bill had been reported from the Committee on Claims with an amendment to strike out all after the enacting clause and to insert:

That the United States Employees' Compensation Commission shall be, and it is hereby, authorized to extend to Eugene K. Stoudemire, who suffered the loss of an eye on August 3, 1915, while in the discharge of his duty as an engineer on the towboat *Alabama*, in the river and harbor service of the Government, the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

Mr. KING. Mr. President, reserving the right to object, I should like some explanation in regard to the bill and, furthermore, in regard to the policy which seems to be suggested under this bill and under one or two other bills which have recently come before us of extending the benefits of the compensation law to those who may have claims against the Government for injuries arising long before the passage of the act. It seems to me that when Congress passed a law and fixed the date when it should go into operation and made no provision that it should be retroactive, it is rather a dangerous precedent to have Congress now open up all cases involving persons who were injured at a period anterior to the passage of the law. If we permit injuries which were inflicted in 1915 to be compensated for, why not allow compensation to be paid by the Government for injuries which were inflicted in 1914 and in 1912 and in 1911 and in 1910, and, indeed, 20, 30, or 40 years ago? I should like some explanation as to the reason why the Government did not make the compensation act retroactive; and if it did not see fit in its wisdom to do so, why we should take up these cases by piecemeal and grant relief to all persons who were injured many years ago while in the employ of the Government.

Mr. HEFLIN. Mr. President, when this bill was introduced it sought to have paid to this injured man $7,500. The Committee on Claims investigated the case, however, and decided that the claimant was not entitled to that amount or that it would not consent that he be paid that amount in a lump sum, but that he did have a meritorious case and should be put on the list of those injured in the service of the Government who have been granted relief under the compensation act. That is what has been recommended by the committee. I trust there will be no objection to the passage of the bill, Mr. President. He is a humble citizen——

Mr. ROBINSON. He is a laboring man?

Mr. HEFLIN. Yes; he is a laboring man. He suffered the loss of his eye, and as a result is in bad shape. He is a poor man; he was serving the Government at the time this accident occurred; he is, as I have said, a poor man and needs the money. I had hoped that the committee would recommend the payment of $7,500 to him; but, instead, it saw fit to put him on the list of those who were injured in the service of the Government, which will allow the payment to him of a small sum each month.

I trust that my friend from Utah will make no objection to the bill. I should like to have it passed by the Senate so that it may be sent to the House and receive consideration in that body before the present session of Congress expires.

Mr. KING. Mr. President, may I inquire of the Senator whether he believes the Government of the United States should now provide compensation for all persons who were injured prior to the passage of the compensation act, regardless of any statute of limitations, assuming there is a statute of limitations in these matters, back for 20 or 30 or 40 years? Where are we going to draw the line?

Mr. HEFLIN. I would be governed largely by the circumstances in the case. Many poor fellows who are injured do not know what to do until somebody tells them, "If you were injured while in the service of the Government you ought to have presented your claim to the Government." That frequently happens, and in many instances in cases of this sort a long time elapses after the injury occurs before any action is taken, because the person injured does not know what steps to take. The poor fellow who is the claimant in this case was knocked down and his eye put out; the committee investigated and saw fit to recommend that he be put on the list of those receiving benefits under the compensation act. I would favor relief for cases of that kind.

Mr. KING. Mr. President, I shall not object to the consideration of this bill; but it seems to me that when Congress had this subject before it in the beginning, knowing, undoubtedly, that there were persons who had been in the employ of the Government who had been injured, and did not see fit in their wisdom to make the bill retroactive so as to afford relief to those who may have been injured 5, 10, 15, or 20 years prior to that time, it is rather a dangerous thing for the Congress now to open the gates to all such claims.

Mr. ROBINSON. Mr. President, will the Senator yield to me?

Mr. KING. I yield.

Mr. ROBINSON. The bill is somewhat unusual in form, but my information is that in a number of instances the Congress has provided for claimants whose injuries occurred prior to the passage of the compensation act by appropriating the sums which they would have received if they had been entitled to the benefits of that act.

Mr KING. That is to say, if the bill was in force at the time of the injury.

Mr. ROBINSON. Yes. This bill has the same effect as a number of bills reported from the Claims Committee and passed by the Senate heretofore giving the claimants the benefits of the provisions of the compensation act. The language is different, but the effect is the same. Quite a number of bills of this character have been enacted.

Mr. KING. May I say to my good friend from Arkansas that it is my understanding of the effect of the bill that it would, if passed, give the beneficiary the same rights and the same benefits as if the compensation had been in force at the time of the accident?

Mr. ROBINSON. In a number of cases, instead of making the provisions of the compensation act applicable to the particular

individual and the injury that he sustained, the Congress has simply made an appropriation of the amount which would accrue to him under the compensation act.

Mr. KING. I should be glad to have my friend from Arkansas give his view as to the wisdom and propriety of going back of the compensation act and allowing compensation to persons who were injured long before the act was passed.

Mr. ROBINSON. If the Congress had pursued the course implied in the question of the Senator from Utah and had declined to allow compensation to any individual before the compensation act became effective or applicable to his rights, I would be in sympathy with the proposal to deny its benefits in a particular case, such as the one at bar, but inasmuch as we have heretofore relaxed it in a number of instances, I see no reason why it should not be done in this case.

Mr. KING. The Senator will see that many years after an accident occurs it may be impossible to ascertain the facts and perhaps show very good reason why no compensation should be paid at all on any moral or legal ground.

Mr. ROBINSON. The Senator from Utah will also see that in a great many instances—I do not know that the statement is applicable to this particular case—where claims presented to the Congress of the United States the condition of business before the Congress is such that they can not have consideration here until after a great many years have elapsed. That statement is applicable to a large number of claims which are now pending before the Congress. It is admittedly difficult to give prompt consideration to every claim that is presented. Our system in that respect is subject to criticism. All such claims ought to be determinable by some tribunal having the qualifications and jurisdiction ordinarily possessed by courts, but I know that the Congress during my service here has passed a great many bills which have given to claimants who were injured prior to the passage of the compensation act the benefits of that act.

Mr. KING. Let me say to the Senator I have been advised that certain persons have been quite alert since a number of these bills have been passed to find persons who were injured years before the compensation act was enacted for the purpose of urging the presentation of their claims to Congress. It seems to me that when Congress passed the compensation act it ought either to have provided for those who were injured prior to its enactment or fixed a time beyond which the benefits of the act would not go.

Mr. ROBINSON. As a general proposition, I think the Senator is right in that particular.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

REPRESSION OF PROSTITUTION.

The bill (S. 3544) to enlarge the powers and duties of the Department of Justice in relation to the repression of prostitution for the protection of the armed forces, was considered as in Committee of the Whole.

The bill had been reported from the Committee on the Judiciary with an amendment, on page 2, line 19, after the words "June 30," to strike out "1923" and insert "1924," so as to make the bill read:

Be it enacted, etc., That the powers and duties of the Department of Justice be, and they are hereby, enlarged to enable the agents or representatives of the department to inquire into and investigate vice conditions in the vicinity of or adjacent to Army or naval camps, posts, stations, forts, ports, or hospitals in the continental United States, the Territories of the United States, the insular possessions of the United States, and the Panama Canal Zone, or at any place under the authority of the United States where the armed forces of the United States or ex-soldiers and ex-sailors of the United States are stationed under the care and authority of the United States, and to use every lawful means, either independently or in cooperation with the authorities of any State, city, town, county, District, Territory, or the authorities of the insular possessions of the United States and the Panama Canal Zone for the prevention and repression of such vice conditions for the protection of the armed forces or such ex-soldiers and ex-sailors against venereal infection.

SEC. 2. That the Department of Justice shall take over such of the duties, books, records, equipment, and personnel of the United States Interdepartmental Social Hygiene Board as the President of the United States may by Executive order direct.

SEC. 3. That there is hereby authorized an appropriation out of the Treasury of the United States annually, beginning with the fiscal year ending June 30, 1924, the sum of $325,000 to carry out the purposes of this act, including the payment for personnel services, books, furniture, periodicals, and necessary books of reference in the District of Columbia.

Mr. WALSH of Montana. Mr. President, I should like to have the Senator from California [Mr. SHORTRIDGE], who reported this bill, explain to us just exactly what means the representatives of the Department of Justice may take independently of the local authorities to accomplish the result to be achieved by this bill.

Mr. KING. Reserving the right to object, Mr. President, I shall be glad to hear the explanation.

Mr. SHORTRIDGE. Mr. President, this bill was introduced by the Senator from Washington [Mr. JONES]. It found its way to the Committee on the Judiciary and was by that committee considered and reported with an amendment, the reason for the action of the committee being set forth in the printed report accompanying the bill.

The Senate is doubtless aware that the activities referred to in this bill have heretofore been discharged by an interdepartmental commission or committee. The purpose of the bill is to transfer those activities to the Department of Justice. The report accompanying the bill carries a letter addressed to me by the Interdepartmental Social Hygiene Board.

Mr. WALSH of Montana. Mr. President——

The PRESIDING OFFICER. Does the Senator from California yield to the Senator from Montana?

Mr. SHORTRIDGE. Certainly.

Mr. WALSH of Montana. Perhaps the Senator did not understand my question. I have no difficulty at all in arriving at the purpose of the bill. I addressed a specific question to the Senator, namely: The bill provides that the representatives of the Department of Justice shall take such means as may be necessary, any lawful means, for the prevention and repression of these vice conditions; and these lawful means are to be pursued either independently of the local authorities or in conjunction with the local authorities. What I want to know is, What are these independent means that the secret service will take, independently of the local authorities, to suppress vice conditions?

Mr. SHORTRIDGE. My immediate reply to the question would be this, although the Senator states the matter in such form, it seems to me, as to bring about its own answer: As I understand this proposed measure, the Department of Justice is to cooperate with the local authorities.

Mr. WALSH of Montana. Quite so, sir; but in addition to that they are to proceed independently, if they desire to do so.

Mr. SHORTRIDGE. The word indicates what they are to do. If they have the legal power under existing laws, in cooperation, it may be, with the Army officers, they are to take such steps, suggest such means, and employ such persuasive force as will accomplish the end desired, namely, the protection as against dangerous diseases of the sailors and the soldiers in the public service. Just what means they would adopt, just in what way they would proceed, would be a matter within their discretion, as I understand this measure. I think that is a sufficient answer.

Mr. WALSH of Montana. That is just exactly what I am trying to find out from the Senator. They may proceed in cooperation with the local authorities. That is to say, they may go before the justice of the peace or the committing magistrate and complain about violations of the local law, and the local authorities will thereupon proceed to prosecute. Anybody can understand that; but, in addition to that, they are given authority to proceed, independently of these local authorities, to do something. That is what I want to know. Here is a grant of authority to officers of the Secret Service to proceed independently, within the exclusive jurisdiction not of the United States but of the State authorities, by some means independent of the State authorities, to do something. What I want to know is, What it is that thing they are going to do?

Mr. SHORTRIDGE. Will the Senator permit me, then, to give my view touching the scope of this bill? I understand that the Department of Justice is to carry on the work hitherto carried on by the Interdepartmental Social Hygiene Board. In a word, as I recall and understand, that board has proceeded somewhat in this way——

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. SHORTRIDGE. I was answering the question of the Senator from Montana.

The PRESIDING OFFICER. To be sure; but the Senator from California will recall that the Chair specifically asked if he yielded to the Senator from Montana.

Mr. SHORTRIDGE. I did not know I had the floor.

The PRESIDING OFFICER. Certainly. The Chair said the Senator from California was recognized. The Chair wishes to state that in view of the crowded condition of the calendar, in view of the fact that there will be but three calendar days prior to the expiration of this Congress, and in view of the further fact that so many Senators are interested in measures upon the calendar, so far as the present occupant of the chair can do

it the five-minute rule and the speaking-but-once rule will be strictly enforced.

Mr. SHORTRIDGE. I am not seeking to offend against that rule.

Mr. WALSH of Montana. Mr. President, I move to amend by striking out the words "either independently or," in line 5, on page 2.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the Senator from Montana.

The amendment was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the amendment proposed by the committee.

The amendment was agreed to.

The PRESIDING OFFICER. Without objection, the bill as amended——

Mr. STANLEY. Mr. President, there is objection to the passage of this bill as amended.

The PRESIDING OFFICER. Then the bill will be passed over. The Secretary will state the next bill on the calendar.

FRANKLIN GUM.

The bill (S. 2598) for the relief of Franklin Gum was announced as next in order, and was read, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers, Franklin Gum, who was a private in Company A, Forty-eighth Regiment Wisconsin Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged therefrom: *Provided*, That other than as above set forth no bounty, pay, pension, or other emolument shall accrue prior to or by reason of the passage of this act.

Mr. KING. Mr. President, reserving the right to object, I should like to have an explanation of the bill and I should like to have the report read, too.

Mr. BROOKHART. Mr. President——

The PRESIDING OFFICER. The Senator from Iowa is recognized.

Mr. BROOKHART. Does the Senator desire the report to be read?

Mr. KING. Yes; I should like the report read.

The PRESIDING OFFICER. The report will be read.

The reading clerk proceeded to read the report (No. 1033) submitted by Mr. BROOKHART on January 23, 1923, as follows:

Report to accompany S. 2598.

The Committee on Military Affairs, to which was referred the bill (S. 2598) for the relief of Franklin Gum, having considered the same, report favorably thereon with the recommendation that the bill do pass without amendment.

The report from the War Department on this measure is appended hereto and made a part of this report, as follows:

CASE OF FRANKLIN GUM, PRIVATE, COMPANY A, FORTY-EIGHTH WISCONSIN INFANTRY, CIVIL WAR.

The records show that Franklin Gum was enrolled February 15, 1865, at Omro, Wis., and was mustered into service February 18, 1865, at Milwaukee, Wis., as a private of Company A, Forty-eighth Wisconsin Infantry, to serve one year, and deserted therefrom April 1, 1865, at Camp Washburn, Milwaukee, Wis. He never thereafter returned to his command, which remained in service until December 30, 1865, or reported his whereabouts or the cause of his absence to the military authorities. No medical record in the case of this solider has been found.

It appears that prior to this soldier's service in the Army as above stated he served an enlistment in the United States Navy, and in applying to this department in 1895 for removal of the charge of desertion and for an honorable discharge he stated that he was prevented from completing his term of enlistment in the Army because of chronic diarrhea contracted while serving in the Navy.

The soldier again made application to this department for relief in 1904, and submitted an affidavit in which he stated that he served as a private in Company A, Forty-eighth Wisconsin Infantry, until April 1, 1865, when without any intention of deserting he left the regiment under the following circumstances: "While we were stationed at Milwaukee I got a furlough to go home, and while at home was taken sick, it being a recurrence of chronic diarrhea that I contracted during my previous service in the Navy; and when my furlough expired I was not able to return to my regiment, and for that reason I could not report for duty."

This soldier again testified, April 20, 1907, that he served faithfully until on or about the —— day of April, 1865; that he left the regiment on furlough and was unable to return on account of sickness—chronic diarrhea.

The application for removal of the charge of desertion and for an honorable discharge in the case of this soldier has been denied and now stands denied on the ground that he did not complete his term of enlistment and that it has not been satisfactorily established that he was prevented from completing it by reason of disability incurred in the line of duty in the Army, and because the case does not come within any of the provisions of the act of Congress approved March 2, 1889 (25 Stat. L. 869), which is the only law in force governing the subject of removal of charges of desertion.

Respectfully submitted.

ROBERT C. DAVIS,
Acting The Adjutant General.

WAR DEPARTMENT,
The Adjutant General's Office, June 7, 1922.

The SECRETARY OF WAR.

Three affidavits have been submitted to your committee regarding this case. All three affidavits recite the facts in detail, and, as they agree in all the details, is is thought that only one need be inserted in this report. An affidavit from A. A. Wiles is therefore inserted, as follows:

"IN RE FRANKLIN GUM, OMRO, WIS., LANDSMAN, U. S. S. 'GREAT WESTERN,' AND PRIVATE, COMPANY A, FORTY-EIGHTH WISCONSIN INFANTRY, CIVIL WAR.

"STATE OF WISCONSIN, *Winnebago County, ss:*

"A. A. Wiles, being first duly sworn, on oath deposes and says that he is now and ever since the year 1864 has continuously been a resident of the village of Omro, Winnebago County, Wis.; that ever since the year 1864 he has known the above-named Franklin Gum; that he knew of him as a soldier in the Civil War and of his service in the United States Navy; that since he came home from the War of the Rebellion he has known him to be in poor health, particularly immediately after his return from the Army; that during all of his years of acquaintance with the said Franklin Gum he has known him to be a good, law-abiding citizen, a person without financial means, and because of his advanced age at the present time and his condition of poverty and poor health he is unable to earn or provide himself with a livelihood; that the said Franklin Gum was a mere youth at the time he entered the service of the United States Government in the Civil War; that he was when a youth and young man and always has been a person of subnormal intellect, but harmless and law-abiding.

"Deponent further says that he verily and sincerely believes and feels that because of the honorable service of the said Franklin Gum in the Civil War and his honorable discharge from the United States Navy at the close of the period of his enlistment and his subsequent reenlistment in the Army that he should be reinstated to the pension roll of the United States Government, from which he was stricken in 1895.

"And deponent further says that he verily believes that the failure of the said Franklin Gum to return to his command in the Army and receive his discharge therefrom after the surrender of General Lee in 1865 was due solely to the fact of the extreme youth of the said Franklin Gum at that time, the condition of his health and mind, and his failure to understand what was required of him, and not through any desire on the part of the said Franklin Gum to refract any of the laws of the United States or to evade any duties required of him, and that the said Franklin Gum then honestly believed that the war was over and that his services were no longer required in the Army, and that nothing further in reference to his enlistment in the Army was required of him.

"A. A. WILES.

"Subscribed and sworn to before me this 6th day of October, A. D. 1921.

"[SEAL.] "WILBUR E. HURLBUT,
"*Notary Public, Wisconsin.*

"My commission expires April 2, 1922."

In view of the fact that Gum completed his enlistment period in the Navy and was honorably discharged therefrom, and also that the affidavits submitted testify that Gum suffered from illness at the time of his furlough and did not later believe that it was necessary for him to return because the war was over, and also because of the mental condition of Gum as sworn to by the persons making affidavits, your committee recommends that the bill be passed.

Mr. KING. Mr. President, if I may interrupt the reading, with a view to further investigating the matter I shall object to the immediate consideration of the bill, because it appears that this man was a deserter.

The PRESIDING OFFICER. The bill will be passed over. The Secretary will state the next bill on the calendar.

ELI N. SONNENSTRAHL.

The bill (S. 1280) for the relief of Eli N. Sonnenstrahl was announced as next in order.

Mr. KING. Reserving the right to object, let the bill be read.

The PRESIDING OFFICER. The bill will be read for the information of the Senate.

The READING CLERK. The amendment of the Committee on Claims proposes to strike out all after the enacting clause, and to insert:

That the claim of Eli N. Sonnenstrahl, of Brooklyn, N. Y., for such further sum as he may be entitled to recover, as added to the amount he has already received, for certain beans commandeered by the Navy Department, at San Francisco, Calif., on or about February, 1918, may be sued for and submitted to the United States District Court in and for the Eastern District of New York, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for such amount and costs, if any, as shall be found to be due against the United States in favor of said Sonnenstrahl upon the same principles and measures of liability as in like cases under section 10 of the Lever Act, and with the same rights of appeal: *Provided*, That suit shall be brought and commenced within four months from the date of the passage of this act.

Mr. KING. Let the report be read, please.

The PRESIDING OFFICER. The report will be read for the information of the Senate.

Mr. CALDER. Mr. President, if the Senator will permit me, I think the letter in the last part of the report, signed by the Assistant Secretary of the Navy, covers the ground.

Mr. KING. I shall be glad to have an explanation from the Senator from New York as to this bill.

Mr. CALDER. Mr. President, the beans that are referred to in this bill were owned by one Eli N. Sonnenstrahl. He offered to sell them to the Government at cost. The Government refused to take them; but in 1918, without notice, the Government commandeered these beans, and paid him some $22,000 for them. He claims that they were worth $26,000. At any rate, the Government refused to pay him more than

they tendered him. Subsequently, however, in negotiations with the Navy Department, they offered to give him an additional sum of $472.66. He believed he was entitled to something like $2,851. He asks the right to sue for that amount.

Mr. KING. It is a question of ascertaining the value of property which the Government commandeered?

Mr. CALDER. It is.

Mr. KING. The Government feels that the claimant is entitled to $400 more?

Mr. CALDER. Yes; and he thinks he is entitled to $2,815.28.

Mr. KING. And he wants the right to sue the Government?

Mr. CALDER. That is all he asks.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the bill was considered as in Committee of the Whole.

The PRESIDING OFFICER. The question is on agreeing to the amendment reported by the committee.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

CALL OF THE ROLL.

Mr. DIAL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll.

The reading clerk called the roll, and the following Senators answered to their names:

Ashurst	Gerry	McKinley	Smoot
Ball	Glass	McLean	Spencer
Bayard	Gooding	McNary	Stanley
Borah	Harreld	Moses	Sterling
Brookhart	Harris	Nelson	Sutherland
Calder	Harrison	New	Swanson
Cameron	Heflin	Norris	Townsend
Capper	Hitchcock	Oddie	Trammell
Caraway	Jones, Wash.	Overman	Underwood
Colt	Keyes	Owen	Wadsworth
Couzens	King	Page	Walsh, Mass.
Culberson	Ladd	Phipps	Walsh, Mont.
Curtis	La Follette	Pomerene	Warren
Dial	Lodge	Ransdell	Weller
Dillingham	McCormick	Robinson	Williams
Frelinghuysen	McCumber	Sheppard	Willis
George	McKellar	Shortridge	

The PRESIDING OFFICER. Sixty-seven Senators having answered to their names, a quorum is present. The Secretary will report the next bill on the calendar.

HARRY E. FISKE.

The bill (S. 4191) for the relief of Harry E. Fiske, was announced as next in order and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,689.35 to Harry E. Fiske, on account of injuries received at the Watertown Arsenal, through no fault of his own, while testing a gun carriage on January 6, 1916.

Mr. DIAL. I notice from the report in this case that the beneficiary has received compensation, and this is a bill to give him additional compensation. I wonder if Congress wants to follow that policy. It occurs to me that it would be unwise.

Mr. LODGE. This is the case of a man who was blinded for life by an accident at the Watertown Arsenal. The passage of the bill is recommended by the War Department. The man did not have the benefit then of the workmen's compensation act, and this is a bill to settle his claim. It has been approved by the department. It is a case where the claimant deserves this additional $5,000, which, without this bill, he would not receive.

I ask that there be substituted for the bill just read House bill 10529, a bill on the calendar, passed by the House, for the relief of the claimant and reported favorably by the Committee on Claims.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 10529) for the relief of Harry E. Fiske, which was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of $3,689.35 to Harry E. Fiske on account of injuries received at the Watertown Arsenal, through no fault of his own, while testing a gun carriage on January 6, 1916.

The motion was agreed to.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

Mr. LODGE. I move that Senate bill 4191 be indefinitely postponed.

The motion was agreed to.

PAYMENT OF CLAIMS FOR DAMAGES.

The bill (S. 4313) for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army, was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to claimants named in this act the several sums appropriated herein, for the payment of claims for damages to and loss of private property incident to the training, practice, operation, or maintenance of the Army, namely:

To Mary Bauman, Lancaster, Calif., $1,048.75; to R. W. Eubanks, Atlanta, Ga., $842.28; to William R. Midgley, Oceanport, N. J., $538; to Standard Shipbuilding Corporation, New York City, $3,921.59; to Lord Dry Dock Corporation, Weehawken, N. J., $1,034.55; to Fred E. Jones, New York City, $13,457.64; to Stephenson & Bills, Lakewood, N. J., $2,211.90; to B. F. Jones estate, Pittsburgh, Pa., $596.06; to W. S. Lloyds (Inc.), New York City, $890.33; to Firemen's Fund Insurance Co., New York City, $890.33; to St. Paul Fire & Marine Insurance Co., New York City, $890.33; to Mrs. W. D. Holman (estate of Moses Samuels), Lakewood, N. J., $13,368.18; to Dominion of Canada, Ottawa, Canada, $1,200; to James R. Sutton, Kempton, Ill., $850; to Arabella D. Huntington, New York City, $524.27; to Porto Rico Coal Co., San Juan, P. R., $1,000; to the New York State Fair Commission, Syracuse, N. Y., $12,098.25; to Riverside Contracting Co., Brooklyn, N. Y., $8,893.01; to Charles Jensen, Omaha, Nebr., $1,038.50; to Cornell Steamboat Co., New York City, $1,235; to Southern Transportation Co., Philadelphia, Pa., $651; to Joe A. Ottman, Mercedes, Tex., $512.20; to Silver Lake Park Co., Atlanta, Ga., $18,000.

Mr. WARREN. Mr. President, this is a matter which was sent to us by the Budget a year ago, and also this year. All of these are claims which have been audited, but under a clause included in an appropriation last year all claims amounting to more than $5,000 were made subject to subsequent legislation. Hence this list of claims was sent to the Committee on Claims and acted on favorably by that committee. We have passed this same list of claims twice in appropriation bills, but they have gone out in conference. All of them are adjudicated claims, and among them is one for a sum due the Dominion of Canada. All the claimants should have their money; they have been waiting a long time.

Mr. FRELINGHUYSEN. Reserving the right to object, I should like to ask the Senator from Wyoming if this is not supposed to be clean-up of all the claims for damages caused in the various cantonments during the war? There are two claims covered by House bills for damages to cranberry bogs in my State. The damage was caused by firing from Camp Dix, and I ask why those claims are not included. They have been passed upon and approved by the War Department, and this is supposed to be an omnibus bill carrying all those claims. Will not the Senator allow those to be added to this bill as amendments?

The PRESIDING OFFICER. The Senator from Wyoming having already spoken once on the bill, if he speaks again it will have to be in the time of the Senator from New Jersey.

Mr. FRELINGHUYSEN. I yield for that purpose.

Mr. WARREN. The claims spoken of by the Senator from New Jersey do not seem to have reached the same point the others have reached, although from letters in his possession, which I have seen, it would seem as if they had been adjudicated up to a certain point and would probably go through at some other time. I personally believe the claims are good, but I have not as much information regarding them as I have with respect to the others.

Mr. FRELINGHUYSEN. I move that the bill be amended by adding a new paragraph at the end of the bill, as follows:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Lee C. Davis, of Wrightstown, N. J., the sum of $1,807.61, for damages by fire on June 11, 1921, to certain cranberry bogs adjacent to the rifle range at Camp Dix, N. J.

The amendment was agreed to.

Mr. FRELINGHUYSEN. I now move that the bill be further amended by adding, after the amendment just agreed to, the following:

That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Thomas N. Emley, of Cookstown, N. J., the sum of $7,040.08, for damages by fire on June 11, 1921, to certain cranberry bogs adjacent to the rifle range at Camp Dix, N. J.

Mr. WARREN. I suggest to the Senator that if he wishes to have the first amendment go through, he had better withhold the one just suggested. The latter amendment has not reached the same point in consideration.

Mr. FRELINGHUYSEN. I withdraw the amendment just offered.

Mr. KING. Mr. President, in my time I would like to have the Senator from Wyoming explain the liability of the Government. I am not sure as to the basis of these claims against the Government.

Mr. WARREN. The claims are all right. The laws provided for the settlement of them and similar claims under the Lever Act and the other acts. They are being settled, and have very largely been settled, but when it came down to the last ones, where there were different points which required investigation, they were very carefully investigated, but a clause in an appropriation bill really repealed all legislation theretofore passed for any claim amounting to over $5,000. These amounts were grouped together, and consequently they amounted to some eighty or ninety odd thousand dollars, and they have been eliminated from the usual payments and sent to Congress by the Budget Bureau. They have been twice put in appropriation bills, because they are as much due as any other obligation of the Government.

Mr. KING. I understand these are valid claims against the Government. Are they under contracts or for torts?

Mr. WARREN. They are in payment of damages caused at various places by the Army, in camp, training, and so forth.

Mr. KING. And each one has been investigated?

Mr. WARREN. Each has been investigated.

Mr. KING. The Budget has approved them?

Mr. WARREN. Yes; there is a list of some 25 of them.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

HOWARD R. GURNEY.

The bill (S. 4333) for the relief of Howard R. Gurney was announced as next in order.

Mr. DIAL. Let that go over.

The PRESIDING OFFICER. The bill will be passed over.

E. J. REYNOLDS.

The bill (S. 4345) for the relief of E. J. Reynolds was announced as next in order.

Mr. SMOOT. Let that go over.

Mr. WILLIS. Mr. President, will not the Senator from Utah withhold his objection a moment? I want to call his attention to the favorable report from the department, and also, if I may, bring his attention more particularly to the facts of the case. The department recommends the passage of the bill.

Mr. SMOOT. I do not know whether the Secretary of the Treasury recommends it or not. In a letter from Secretary Mellon, appearing on page 3 of the report, he states:

A protest was filed by Mr. Reynolds against the liquidation under the provisions of paragraph N, section 3 of the tariff act of 1919, which protest was forwarded to the department by the collector under date of July 9, 1920. The claim was made that the entry should be liquidated under the provisions of paragraph Y.

Mr. WILLIS. If the Senator will read the later letter, under date of May 9, 1922, a year after that, which he will find on page 2 of the report, he will see that the department are in favor of the passage of the bill. The Senator is reading an old letter, under date of May 12, 1921. A year later, after they had the facts before them, they favored the passage of the bill.

Mr. SMOOT. I ask that the bill go over temporarily, and I will read the whole report.

The PRESIDING OFFICER. The bill will go over.

W. ERNEST JARVIS.

The bill (S. 4366) for the relief of W. Ernest Jarvis was announced as next in order.

Mr. KING. Reserving the right to object, let the bill be read.

The reading clerk read the bill.

Mr. KING. I will be glad to have an explanation from the Senator from Delaware as to the liability of the District and the Government of the United States in this case.

Mr. BALL. Mr. President, this is a case where there was a girl, an inmate of the National Training School for Girls, who was paroled in the custody of Mr. Smith, and while in his custody was taken sick and died.

Mr. Smith was ordered by the institution to take care of the funeral expenses, thinking there was no doubt that the appropriation for the National Training School for Girls would cover such expenses, but the Comptroller General decided that the appropriation act was so ordered that only expenses incurred while actually an inmate of the National Training School could be taken care of. Therefore there is no way for the undertaker to be paid except through some measure of this kind.

Mr. KING. May I inquire of the Senator if the young girl had died while an inmate of the home who would have made payment?

Mr. BALL. There could not be any question about it then, and there has not been any question in the past.

Mr. KING. Did the young girl have any parents or guardians who were able to pay the expense?

Mr. BALL. I know nothing about the condition of the girl. She had been an inmate at some time and had been paroled to Mr. Smith, and it was supposed, of course, that the same law controlled the payment of such expenses while the girl was under parole as if she had actually been in the institution.

Mr. KING. I have no objection to the present consideration of the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay to W. Ernest Jarvis the sum of $97.50, 60 per cent thereof to be paid out of the revenues of the District of Columbia and 40 per cent out of any money in the Treasury not otherwise appropriated, such sum being the claim of said W. Ernest Jarvis covering undertaker's services for and burial expenses of Willie L. Byers, late an inmate of the National Training School for Girls, in the District of Columbia.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

RELIEF OF OWNER OF OLD DOMINION PIER A.

The bill (H. R. 369) for the relief of the owner of Old Dominion Pier A was announced as next in order.

The reading clerk read the bill.

Mr. SMOOT. Mr. President, I notice in the report that the department said:

The records of the department show that the U. S. S. *West Corum* struck and damaged the Old Dominion Pier A on or about June 7, 1919, but it appears that the accident was not due to any negligence or carelessness on the part of those in charge of the vessel, which was forced against the pier by a heavy and sudden squall.

Mr. SWANSON. If the Senator will read further he will see that the Secretary of the Navy said, too, that they did not have steam up as required by the rules and regulations. If they had had steam up, the waves and storm would not have driven it against the pier. He said there was no negligence on the part of the officers, but they did not have the vessel under steam and could not manage it.

Mr. SMOOT. Further on it is stated:

It is believed that there is a serious question as to whether or not the accident may not be considered as inevitable, for which no responsibility can be attached to the *West Corum*.

Mr. SWANSON. If the Senator will read further, he will see that the department recommends that the bill be passed, that there is an issue as to whether the failure of the officers to have steam up was not the cause of the accident when the storm and wind came up, so that the vessel became helpless and was driven against the pier. If they had had steam up there would not have been any trouble. The rules require that steam shall be kept up, and it is a question to be determined by the court as to whether it ought to be or not. There has never been any failure in cases of this kind, so far as I know, to refer them to the Court of Claims.

Mr. SMOOT. The report also states:

The United States steamship *West Corum* was not assisted in getting away from the pier subsequent to the collision, but hove up anchor and proceeded to a safe anchorage under her own power.

Mr. SWANSON. The Secretary recommends the passage of the bill because that is an issue for the court to determine.

Mr. SMOOT. I do not want the Government of the United States to go to any further expense if we are not responsible for the accident, and I can not see anything here which shows that the Government is responsible.

Mr. SWANSON. How are we going to determine it except by reference to the Court of Claims? The Secretary recommends the passage of the bill. The House passed it. The vessel had no right to have steam down and be absolutely helpless, because if a storm arose the waves might cause just such an accident. The officers did all they could, but the vessel was not in condition to prevent the accident.

Mr. SMOOT. I can not see anything in the report to justify the passage of the bill.

The PRESIDING OFFICER. The time of the Senator from Utah has expired.

Mr. SWANSON. Here is what the Secretary of the Navy said:

However, it is believed that the claimant is entitled to have the case passed upon by a court of claims, and it is respectfully recommended that bill H. R. 369 receive favorable consideration and action.

That is the only way the question can be determined as to whether or not the vessel was at fault for not having steam up.

The PRESIDING OFFICER. Does the Chair understand the Senator from Utah to object?

Mr. SMOOT. Yes; I object.

The PRESIDING OFFICER. The bill will be passed over.

NOLAN P. BENNER.

The bill (H. R. 3836) for the relief of Nolan P. Benner was announced as next in order.

Mr. DIAL. Let the bill go over.

The PRESIDING OFFICER. The bill will be passed over.

HENRY PETERS.

The bill (H. R. 7583) for the relief of Henry Peters was announced as next in order, and was read as follows:

Be it enacted, etc., That the claim of Henry Peters, a citizen of the city of New Orleans, in the State of Louisiana, against the United States for damages alleged to have been caused to the derrick boat *Pelican*, property of the said Henry Peters, while in tow of the United States Navy tug *Barnett* on July 2, 1918, may be sued for by the said Henry Peters in the District Court of the United States for the Eastern District of Louisiana, sitting as a court of admiralty and acting under the rules governing such court, and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the said Henry Peters, or against the said Henry Peters in favor of the United States, upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same right of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

Mr. SWANSON. Mr. President, this is a bill identical with the bill (H. R. 369) which just went over on the objection of the Senator from Utah. I object to the consideration of the bill. I do not think when two bills of the same character are presented to the Senate one should go over on objection and the other be passed. It is the same question as to whether or not a vessel that lets its steam go down and can not operate under its own power is responsible for an accident that may ensue.

Mr. KING. I object to the consideration of the bill for the present. I want to have a chance to look into it.

The PRESIDING OFFICER. The bill will be passed over.

OVERTIME SERVICES OF POST-OFFICE EMPLOYEES.

Mr. TOWNSEND. Mr. President, I did not remember that the Senate would meet at 11 o'clock this morning and that we would take up the Calendar, and hence was not here until just a few moments ago. I understand that Calendar Nos. 996 and 997 were passed over on objection. I concede that Calendar No. 996 might lead to some discussion, although I would like very much to see it passed. I do not want to urge its consideration at this time, but I have talked with the Senator who objected to the consideration of Calendar No. 997, the bill (S. 4248) to fix the compensation of employees in post offices for overtime services performed in excess of eight hours daily, and, as I understand it, he withdraws his objection. I think no one can object to the passage of the bill when he understands the real situation.

Under the reclassification law of a year or two ago an attempt was made to grant extra pay for overtime services in the departments. The committee were against it but did provide that the employees in the Railway Postal Service should have pay at the regular rate for overtime. For some reason or other a mistake was made, so that now the regular clerks in the employ of the Government in first and second class offices get less pay for overtime than they get for regular work. The latter is estimated on the basis of a certain number of hours for the year and the overtime for a greater number of hours by the year.

What we have attempted to do, under the advice of the department and by the unanimous recommendation of the Committee on Post Offices and Post Roads, was to provide that the regular clerks in the employ of the Government should receive the same pay for overtime that they receive for regular time. There can be nothing of an injustice in the recognizing of their basis of pay for the payment of overtime. The bill simply provides for that and, as I said, has the recommendation of the Postmaster General. I ask unanimous consent that we may return to Calendar No. 997, Senate bill 4248, and act upon it now.

The PRESIDING OFFICER. The Senator from Michigan asks unanimous consent, the objection having been withdrawn, that the Senate consider Senate bill 4248. Is there objection?

There being no objection, the Senate as in the Committee of the Whole proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That hereafter clerks and other employees in post offices, entitled by law to compensation for service performed in excess of eight hours daily, shall be paid for such overtime service on the basis of annual pay received by such employee: *Provided*, That in computing such overtime the annual salary or compensation of such employee shall be divided into 12 equal installments, one of which shall be the pay for each calendar month which, in turn, shall be divided by the number of days in the month less all Sundays and legal holidays enumerated in the act of July 28, 1916, occurring in the month; the quotient thus obtained will be the daily compensation which, divided by eight, will give the hourly compensation for overtime service. All laws or parts of laws in conflict herewith are hereby repealed.

Mr. KING. Mr. President, may I inquire of the Senator from Michigan to what extent the department employs its clerks in overtime work, and what is the relative cost?

Mr. TOWNSEND. During the year before last and last year about $2,000,000 was paid for overtime services. The amount so paid was reduced materially during the last year and the Postmaster General reports that he expects to reduce overtime services by one-half during the coming year.

Mr. KING. May I inquire whether the bill will extend to janitors and custodians of post-office buildings?

Mr. TOWNSEND. It would extend to all employees whose salaries are limited by the eight-hour provision covered under the reclassification act of 1920 or 1921. It is simply to make clear what was evidently the intent of the Congress, not to make an exception of railway postal clerks, not to reduce the pay for overtime from what they had asked, they having asked for time and a half and we having granted them the same pay that they received for regular services. That is what the bill attempts to do.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

FRANK VUMBACA.

The bill (S. 1103) for the relief of Frank Vumbaca was considered as in Committee of the Whole, and was read as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby directed to pay, out of any money in the Treasury not otherwise appropriated, to Frank Vumbaca, of Portland, Me., the sum of $419, to reimburse him for damages to his house, No. 469 Washington Avenue, Portland, Me., caused by concussion from blasts.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

EDWARD N. M'CARTY.

The bill (S. 3071) to extend the benefits of the employers' liability act of September 7, 1916, to Edward N. McCarty was announced as next in order.

Mr. KING. Let that bill go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. McKINLEY. Mr. President, I hope the Senator from Utah will withdraw his objection to the consideration of the bill in order that I may make a short explanation relative to it.

Mr. KING. I withdraw my objection pending an explanation of the bill by the Senator from Illinois.

Mr. McKINLEY. I know the man who is the proposed beneficiary of the bill. I knew him at the time the injury referred to in the bill occurred. He was a clerk in the post office at Mattoon, Ill., and the injury was occasioned by the fault of the Government and not in any way to any fault of his. It was the result of tinsel on post cards getting into his eye. Congress subsequently passed a law preventing such cards being transmitted through the mails. The bill provides that he shall receive the compensation which is now allowed under the law for such injuries. I hope that the bill may be passed.

Mr. KING. What was the extent of the injury—was it permanent?

Mr. McKINLEY. As the result of the injury he became totally blind.

Mr. KING. And his blindness resulted solely from the accident?

Mr. McKINLEY. Yes.

Mr. KING. I withdraw my objection to the bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which was read, as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission shall be, and it is hereby, authorized and directed to extend to Edward N. McCarty, a former employee in the post office in Mattoon, Ill., the provision of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, compensation hereunder to commence from and after the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

SAMUEL H. BUTLER.

The bill (S. 4085) for the relief of Samuel H. Butler was announced as next in order.

The bill was read, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, $170.40 to Samuel H. Butler,

late United States commissioner at Ardmore, Okla., as a refund of money earned by him for services rendered as ex officio justice of the peace, which he was required by the Attorney General to deposit in the United States Treasury contrary to existing law at that time, and the amount necessary to carry out the purposes of this act is hereby appropriated.

Mr. KING. Reserving the right to object, I should like an explanation of the bill. It seems to me it provides for double compensation.

Mr. HARRELD. Mr. President, Samuel H. Butler, the claimant under this bill, was ex officio a commissioner in the Territory of Oklahoma before the Territory attained statehood. Under the law particularly applicable to that Territory as such he was also authorized to act ex officio as justice of the peace and notary public. There were several such officers who collected certain fees pertaining to their offices as justices of the peace and as notaries public. After Oklahoma was admitted to statehood the Department of Justice called on those officers to pay into the Treasury the fees which they had received. One of those officers, as I know, refused to do so, but Mr. Butler complied with the request of the department. The court afterwards decided in an action which was brought by the Government against the officer who did not pay his fees into the Treasury that he was entitled to retain those fees; but Mr. Butler in the meantime had paid his fees into the Treasury. This bill is simply for the purpose, in accordance with that decision of the court, of reimbursing him for the fees thus paid by him.

Mr. KING. I desire to inquire of the Senator from Oklahoma if this is the case to which the Senator from Arkansas objected the other day, upon the ground that the claimant was seeking compensation for work done in two capacities, although the law forbade him exercising jurisdiction in both capacities?

Mr. HARRELD. He was specifically allowed to exercise these two functions, and the courts have since held that the man who did not pay in his fees in compliance with the order of the Department of Justice was justified in refusing to do so. I do not think the question has ever been up before in the Senate, because the bill has only been on the calendar for a few days.

Mr. KING. When did the claim accrue?

Mr. HARRELD. It accrued before Oklahoma was admitted to statehood, in 1905 or 1906. The bill, however, has been pending in the House of Representatives several times since that date.

Mr. KING. I shall not object to the consideration of the bill, but it seems to me its passage will afford a very bad precedent.

The Senate, as in Committee of the Whole, proceeded to consider the bill.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

E. G. CREWS.

The PRESIDING OFFICER. The next bill on the calendar, being the bill (S. 4218) for the relief of E. G. Crews, having been adversely reported from the Committee on Claims, without objection the adverse report will be agreed to, and, without objection, the bill will be stricken from the calendar. The Chair hears no objection.

ELIZABETH M'KELLER.

The Senate, as in Committee of the Whole, proceeded to consider the bill (S. 4254) for the relief of Elizabeth McKeller, which had been reported from the Committee on Claims with an amendment, in line 6, after the words "sum of," to strike out "$10,000" and to insert "$2,500," so as to make the bill read:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth McKeller the sum of $2,500, payment in full as compensation for injuries sustained while traveling within the Navajo Indian Reservation, State of New Mexico, September 7, 1921.

The amendment was agreed to.

Mr. KING. Let the report on this bill be read, unless there shall be some explanation of the bill.

The PRESIDING OFFICER. The report will be read.

Mr. NEW. Mr. President, I think I can explain the bill in very much less time than the report can be read.

Mr. KING. I shall be very glad to hear the explanation of the bill by the Seator from Indiana.

Mr. NEW. Mr. President, the lady who is the claimant in this case was traveling with her husband along a Government-built and Government-owned road between Gallup and Tohatchi, in New Mexico. There was a bridge across an arroyo which had been washed out at that point. No sign was erected there to indicate that the bridge was missing. In the darkness this lady, with her husband, drove over the embankment and into the arroyo. The automobile was, of course, wrecked, and the lady was very badly and permanently injured. The claim has resulted by reason of those injuries. The bill has been examined by the Department of the Interior and has been approved by that department. After a very careful examination of all the papers and evidence in the case I thought that she was entitled not to the full amount for which she made claim, but to $2,500. I reported the bill favorably because I thought her claim was entitled to favorable consideration for that amount.

Mr. KING. I desire to inquire of the Senator whether any appreciable time had elapsed after the bridge was carried away by the flood and the time when the accident occurred?

Mr. NEW. No.

Mr. KING. Then, was there any negligence on the part of the Government?

Mr. NEW. Yes.

Mr. KING. Because it would be an act of God, perhaps.

Mr. NEW. No; it was not. The rangers had notified the authorities that the bridge was missing, but no sign had been erected by the agents, and Mr. and Mrs. McKeller had no means in the darkness of perceiving that the bridge had been washed away.

Mr. KING. What discipline or what punishment did the Department of the Interior inflict upon this negligent agent of the Government?

Mr. NEW. Oh, Mr. President, I do not know.

Mr. KING. One further inquiry: Is the sum of money to be paid under this bill, if it shall be passed, to be charged against the funds of the Indians or is it to be paid out of the Treasury?

Mr. NEW. It is to be paid out of the Treasury.

Mr. KING. Was this road one which was built for the benefit of the Indians or was it a military road of the Government?

Mr. NEW. It was part of the park system and not for the Indians. The damages would not be properly charged to their funds at all.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

BILL INDEFINITELY POSTPONED.

The PRESIDING OFFICER. The next bill on the calendar being the bill (S. 3854) for the relief of Liberty loan subscribers of the National Bank of Cleburne, Tex., has been adversely reported from the Committee on Claims. Without objection, the adverse report will be agreed to, and the bill be stricken from the calendar.

ANTTI MERIHELMI.

The bill (S. 1517) for the relief of Antti Merihelmi was announced as next in order.

Mr. DIAL. Mr. President, that bill ought not to be allowed to pass. I have no objection to its coming to a vote, but I think the bill should be defeated. The report of the board of Army officers who investigated this matter says:

(a) That any and all claims against the United States arising out of the foregoing circumstances be not allowed.

That is the statement of the Government officials who investigated the claim.

The PRESIDING OFFICER. Does the Chair understand the Senator from South Carolina to object to the consideration of the bill?

Mr. CALDER. Mr. President, will the Senator permit me to make a brief explanation?

Mr. DIAL. Certainly.

The PRESIDING OFFICER. Does the Senator from South Carolina yield to the Senator from New York?

Mr. DIAL. Yes, sir.

Mr. CALDER. Mr. President, this bill as originally introduced proposed to pay to the beneficiary $5,000. The committee struck out "$5,000" and inserted "$500." There is no doubt that the claimant in the case was run over by an Army truck. The officers appointed by the Secretary of War to investigate the accident say he was run over, but they add that, in their judgment, he contributed to some extent to the accident himself. However, in their report they say:

That the driver of the Government truck did not have his truck under the proper control necessitated by the crowded condition of the traffic, and to this extent contributed to this accident and to this extent is responsible.

There is no doubt about this man being laid up in the hospital; there is no doubt that he was run over by an Army truck

and injured, and the committee believed that for the loss of his time he should be compensated.

Mr. KING. Mr. President, will the Senator yield?

Mr. CALDER. Yes.

The PRESIDING OFFICER. The Senator from South Carolina has the floor and has yielded to the Senator from New York. Does the Senator from South Carolina yield now to the Senator from Utah?

Mr. DIAL. When the Senator from New York concludes I will yield to the Senator from Utah for a question.

Mr. KING. Then, I had better take the floor in my own time.

Mr. CALDER. So I say, Mr. President, that while the conclusions of the board appointed by the Secretary of War to investigate this case is against allowing this claim, it is quite clear from their own statement that the driver of the truck was in part to blame. Under the amendment reported to the bill, it is proposed to allow the claimant but $500. He was confined to the hospital and lost his pay, and it seems to me the amount awarded is quite small compared to the loss which he actually suffered.

Mr. DIAL. Mr. President, it is not a question about the man; the question is, Is any amount due when the Government is not responsible? The board of Army officers further found:

(d) That Antti Merihelmi crossed the street without paying proper heed to the traffic, and so contributed to his own injury.
(e) That the board is of the opinion that Antti Merihelmi is not suffering from any permanent disability whatsoever.

No bones were broken; the claimant paid no attention to the traffic; the truck was only running 2 or 3 miles an hour; and the man who was injured himself got in the way of it and brought about his own injury, and therefore is not entitled to recover.

The PRESIDING OFFICER. The time of the Senator from South Carolina has expired. Is there objection to the present consideration of the bill?

Mr. KING. I object.

The PRESIDING OFFICER. Objection being made, the bill will be passed over. The Secretary will state the next bill on the calendar.

ARTHUR FROST.

The bill (S. 661) for the relief of Arthur Frost was announced as next in order, and the bill was read.

Mr. KING. Let the report be read, Mr. President.

The PRESIDING OFFICER. The report will be read.

Mr. HARRELD. Mr. President, if the Senator from Utah will allow me, I should like to make a brief statement concerning the bill.

Mr. KING. I yield to the Senator.

Mr. HARRELD. Mr. President, I personally know the facts in this case. I know right where the accident occurred in Oklahoma City and I know when it occurred. I heard all about it the next morning, for it occurred right across the street from the hotel at which I was living at that time. One of the soldiers from Fort Sill during the war, while chasing a deserter down an alley by what is known as the city jail in Oklahoma City, fired his gun. He claimed he fired in the air to make the deserter stop, but the bullet struck Arthur Frost, an innocent bystander. The soldier was engaged in the performance of his duty. I repeat I know all about the facts in this case. It is a just claim, and the bill should certainly pass, in my opinion.

Mr. KING. That is, it is a just claim if the Government is responsible for all the torts and wrongdoings of every soldier and every employee of the Government.

Mr. HARRELD. The soldier was performing a duty for the Government. I do not see why the Government should not be held to the same strict accountability that an individual is.

The PRESIDING OFFICER. Is there objection to the consideration of the bill?

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill, which is as follows:

Be it enacted etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur Frost the sum of $960 in full for damages suffered by reason of being negligently shot and seriously injured by a regularly enlisted soldier of the United States while in pursuit of a deserter and in the legal discharge of his duty as a military policeman.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

ANNE C. SHYMER.

The bill (H. R. 6134) for relief of estate of Anne C. Shymer was announced as next in order, and was read.

Mr. KING. Reserving the right to object to the bill, if there is an explanation of it I would be very glad to hear it.

Mr. HARRELD. Mr. President, I was chairman of the subcommittee of the Committee on Claims to which the bill was referred. I told the claimant she would have to produce additional testimony as to the value of the jewelry. She complied with that demand. The facts in the case are that the package of jewelry was recovered from the *Lusitania* and passed into the hands of our consul at London. That consul was directed to send it to those who were entitled to receive it, but it disappeared in transit. There is no proof showing that the consul himself was guilty of any laches. He says he sent it by express or by the usual method, but according to the proof the jewelry was lost in the mails; at any rate it disappeared after it was delivered to the United States consul at London. As chairman of the subcommittee I recommended that the amount be paid. The full committee indorsed that recommendation and reported the bill.

Mr. KING. I think that the Government of the United States under the circumstances is not liable. It is a matter that ought to be further investigated, it occurs to me, particularly in view of the fact that a commission is considering all these claims. I object to the present consideration of the bill.

The PRESIDING OFFICER. Objection being made, the bill will be passed over.

STEAMSHIP "MOHICAN."

The bill (S. 4310) for the relief of the owners of the steamship *Mohican* was announced as next in order.

Mr. SWANSON. Mr. President, the Senator from Utah [Mr. SMOOT] has objected to that class of cases. I have had several of them, and I think they all ought to stand or fall together; and I ask that this bill go over.

The PRESIDING OFFICER. The bill will be passed over.

STEAM LIGHTER "COMPORT."

The bill (S. 4311) for the relief of the owners of the steam lighter *Comport* was announced as next in order.

Mr. SWANSON. That is the same kind of a bill, and I ask that it go over.

The PRESIDING OFFICER. The bill will be passed over.

Mr. UNDERWOOD. Mr. President, the only way in which these people can have any relief at all is to give them a standing in the Court of Claims.

Mr. SWANSON. I wish to say to the Senator that I have advocated that. Five or six bills of that kind that I introduced have been passed over. They are bills that have passed the House unanimously, and have been reported to the Senate; but the Senator from Utah [Mr. SMOOT] objects to that class of bills. I am not going to let him let other bills of that character pass and object to mine.

Mr. UNDERWOOD. All I want to say to the Senator is this: In this particular class of cases a Government boat sometimes collides with a boat of some individual, and, of course, it is not a matter of contract. If it were a matter of contract, they could appear in the Court of Claims anyhow; but there is only one way in which an innocent owner can be relieved in this class of cases, and that is to give him a standing in the court where he can present his case; that is all.

Mr. SWANSON. I agree with the Senator. I have had about a dozen passed at this session, and I have about a dozen more of this kind; but the Senator from Utah objects to that class of cases being referred to the Court of Claims for adjudication. If we are going to have that done with some of them, it ought to be done with all of them.

Mr. UNDERWOOD. I think the Senator from Virginia would accomplish more result by objecting to the bills of the Senator from Utah; but I do not see how the Senator from Virginia affects the Senator from Utah by objecting to this bill.

Mr. SWANSON. No; I am not objecting to the bills of the Senator from Utah. I simply think all cases of this class ought to be treated alike.

The PRESIDING OFFICER. On the objection of the Senator from Virginia, the bill will be passed over.

BLATTMANN & CO.

The bill (S. 3701) for the relief of Blattmann & Co., was announced as next in order.

The bill had been reported from the Committee on Foreign Relations with an amendment, on page 1, line 3, after the words "sum of," to strike out "$145,526" and insert "$124,383.86," so as to make the bill read:

Be it enacted, etc., That the sum of $124,383.86 is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of compensating Blattmann & Co., of Waedenswil, Switzerland, for losses sustained through the wrongful seizure and sale of 1,057,100 pounds of devitalized gluten by the Alien Property Custodian of the United States, which belonged to the said Blattmann & Co.

Mr. NEW. Mr. President, I want to say just a word about this bill. It is a claim against the Alien Property Custodian

for compensation for property taken by him during the war. I believe the claim to be entirely just, but since this report was made the committee which reported it has been informed that there is a letter of some kind which is in the hands of the Alien Property Custodian which the committee did not see and of which it did not hear at the time the bill was being considered. I, therefore, as one of the committee that reported the bill, suggest that it be referred back to the committee, in order that we may see what substance there is in the report that has come to us.

The PRESIDING OFFICER. The Senator from Indiana moves that the bill be recommitted to the Committee on Foreign Relations.

The motion was agreed to.

RELIEF OF OWNER OF OLD DOMINION PIER A.

Mr. SMOOT. Mr. President, referring back to House bill 369, for the relief of the owner of Old Dominion Pier A, I have read the report clear through. The only real objection that I had to the bill was because it contained the words "and to enter a judgment or decree for the amount of such damages and costs." In the past, until just lately, so I am informed, we have always stricken out those words, "to enter a judgment or decree for the amount of such damages." The clerk at the desk tells me that of late these bills have been passing through with the words "to enter a judgment or decree" in them. If that is the case, and if that is the policy of Congress, I have no objection to this bill or to the other bills of the same kind.

Mr. SWANSON. Mr. President, I should like to say to the Senator that I have a great many cases of this kind arising in Norfolk and Newport News, growing out of collisions with vessels of the Government. The facts are stated very briefly, a summary of the evidence, and a judgment is entered giving the facts as they have been agreed on, and then the amount of damage sustained. This is the language used for all of them. I think every bill on the calendar has the same language.

Mr. SMOOT. I have stood on the floor of the Senate and had not 1 but 20 or 30 or 40 bills passed with those words stricken out, but I am informed that of late the bills have passed with that language in them; and in view of that fact, I have no objection to the consideration of this bill.

The PRESIDING OFFICER. The Senator from Utah asks unanimous consent that the Senate recur to the consideration of House bill 369. Is there objection?

Mr. UNDERWOOD. Mr. President, I think the Chair ought to include in that request Senate bill 4310 and Senate bill 4311.

The PRESIDING OFFICER. The Chair will state to the Senator from Alabama that he intends to do that.

Mr. WALSH of Montana. Mr. President, some misapprehension concerning the attitude of the Senate with respect to these matters may be inferred from the remarks made by the Senator from Utah. There are two distinct classes of these cases. One class is such as this now under consideration, where, when the facts are established, no one can doubt what the law applicable to them shall be. In these collision cases, if it is found that the Government vessel was negligent, there is nothing to do except to pay the bill; that is all; and there is no reason why the judgment of the Court of Claims should not be entered. There is another class of cases, however, which we often refer to the Court of Claims, in respect to which we do not admit a liability even if the facts are against us. There it is unwise, as a matter of law——

Mr. McNARY. Mr. President——

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Oregon?

Mr. McNARY. If there is going to be a controversy over this matter I shall object to the request made by the Senator from Utah.

The PRESIDING OFFICER. Objection is made.

Mr. WALSH of Montana. Mr. President, I want to conclude what I have to say.

We shall presently consider the case of a claim that is to be referred to the Court of Claims for the purpose of finding the facts. The court is not authorized to enter any judgment, because we do not concede that there is a liability against the United States even if the facts are found against us or found as the claimant asks; but in all these cases of collision it seems to me it would be foolish to refer the matter to the Court of Claims and then again trouble Congress with it when the court finds that the Government boat is responsible for the injury.

Mr. SMOOT. The Senator is wrong when he makes the statement that that has not been the practice in the past.

Mr. WALSH of Montana. Oh, I do not say that.

Mr. McNARY. I ask for the regular order.

The PRESIDING OFFICER. The regular order is demanded. The Secretary will state the next bill on the calendar.

Mr. UNDERWOOD. Mr. President, I ask unanimous consent, if we can do so without discussion—because I think these are meritorious bills, and they were passed over under a misapprehension—that the Senate may consider Orders of Business 1016, 1018, 1028, and 1029.

The PRESIDING OFFICER. The Senator from Alabama asks unanimous consent that the Senate recur to the consideration of Orders of Business 1016, 1018, 1028, and 1029. Is there objection? The Chair hears none.

The Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 369) for the relief of the owner of Old Dominion Pier A.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

HENRY PETERS.

The bill (H. R. 7583) for the relief of Henry Peters was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

STEAMSHIP "MOHICAN."

The bill (S. 4310) for the relief of the owners of the steamship *Mohican* was considered as in Committee of the Whole and was read, as follows:

Be it enacted, etc., That the claim of the Clyde Steamship Co., a corporation organized under and by virtue of the laws of the State of Maine, with its principal place of business in the city and State of New York, owners of the steamship *Mohican*, for damages alleged to have been caused by collision between said vessel and the United States tug *Barlow* on the 31st day of July, 1919, while said steamship *Mohican* was moored at Pier No. 2, Empire Stores, Brooklyn, N. Y., may be sued for and submitted to the United States District Court in and for the Southern District of New York, sitting as a court of admiralty and acting under the rules in admiralty governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said steamship *Mohican*, or against the owners of the said steamship *Mohican* in favor of the United States and upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

STEAM LIGHTER "COMPORT."

The bill (S. 4311) for the relief of the owners of the steam lighter *Comport* was considered as in Committee of the Whole and read, as follows:

Be it enacted, etc., That the claim of the New York & Cuba Mail Steamship Co., a corporation organized under and by virtue of the laws of the State of Maine, with its principal place of business in the city and State of New York, owners of the steam lighter *Comport*, for damages alleged to have been caused by collision between said vessel and the United States steam lighter *President*, now called the *General Sawtelle*, on the 1st day of March, 1919, near Piers Nos. 13 and 14, East River, N. Y., may be sued for and submitted to the United States District Court in and for the Southern District of New York, sitting as a court of admiralty and acting under the rules in admiralty governing such court; and said court shall have jurisdiction to hear and determine such suit and to enter a judgment or decree for the amount of such damages and costs, if any, as shall be found to be due against the United States in favor of the owners of the said steam lighter *Comport*, or against the owners of the said steam lighter *Comport* in favor of the United States, and upon the same principles and measures of liability as in like cases in admiralty between private parties and with the same rights of appeal: *Provided*, That such notice of the suit shall be given to the Attorney General of the United States as may be provided by order of the said court, and it shall be the duty of the Attorney General to cause the United States attorney in such district to appear and defend for the United States: *Provided further*, That said suit shall be brought and commenced within four months of the date of the passage of this act.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

CONVENTION OF MYSTIC SHRINE.

The joint resolution (S. J. Res. 266) authorizing the use of public parks, reservations, and other public spaces in the District of Columbia; and the use of tents, cots, hospital appliances, flags, and other decorations, property of the United States, by the Almas Temple, Washington, D. C., 1923 Shrine Committee (Inc.), and for other purposes, was considered as in Committee of the Whole.

The joint resolution had been reported from the Committee on the District of Columbia with an amendment, on page 4, line

2, after the word "spaces," to insert "under his control," so as to make the joint resolution read:

Resolved, etc., That the Secretary of War is hereby authorized to grant permits to Almas Temple, Washington, D. C., 1923, Shrine Committee (Inc.), for the use of any parks, reservations, or other public spaces in the District of Columbia, under his control, on the occasion of the forty-ninth annual session of the Imperial Council, Ancient Arabic Order Nobles of the Mystic Shrine, in the month of June, 1923: *Provided*, That in his opinion, such use will inflict no serious or permanent injuries upon such parks, reservations, public spaces, or statuary therein; and the Commissioners of the District of Columbia may designate, for such and other purposes on the occasion before named, such streets, avenues, and sidewalks in the said District of Columbia, under their control, as they may deem proper and necessary: *Provided, however*, That all stands, arches, or platforms that may be erected on the public spaces aforesaid, including such as may be erected in connection with any display of fireworks, shall be under the supervision of the said Almas Temple Shrine Committee and in accordance with plans and designs to be approved by the Architect of the Capitol, the Engineer Commissioner of the District of Columbia, and the officer in charge of public buildings and grounds: *And provided further*, That the reservations or public spaces occupied by the stands or other structures shall be promptly restored to their condition before such occupancy, and the said committee shall indemnify the War Department and the District of Columbia for damage of any kind whatsoever upon such reservation or space by reason of such use.

SEC. 2. That the Secretary of War and the Secretary of the Navy are hereby authorized to loan to the said committee such tents, camp appliances, and other necessities, hospital furniture and utensils of all descriptions, ambulances, horses, drivers, stretchers, and Red Cross flags and poles belonging to the United States as in their judgment may be spared at the time of the session: *Provided*, That the said Shrine committee shall indemnify the United States for any loss or damage to such tents, appliances, etc., as aforesaid, not necessarily incident to such use: *And provided further*, That the said committee shall give approved bond to do the same.

SEC. 3. That the Secretary of War and the Secretary of the Navy are authorized to loan to the said committee such ensigns, flags, decorations, etc., belonging to the United States (battle flags excepted) as are not then in use and may be suitable and proper for decorations and other purposes, which may be spared without detriment to the public service; such ensigns, flags, decorations, etc., to be used by the committee under such regulations and restrictions as may be prescribed by the said Secretaries, or either of them: *Provided*, That the said committee shall, within five days after the close of said session, return to the said Secretaries all such ensigns, flags, decorations, etc., thus loaned; and said committee shall indemnify the United States for any loss or damage not necessarily incident to such use.

SEC. 4. That the officer in charge of public buildings and grounds, subject to the approval of the Secretary of War, is hereby authorized to permit the use of any or all public parks, reservations, or other public spaces under his control in the District of Columbia for use by said committee for parking automobiles, the temporary erection of tents for entertainments, hospitals, and other purposes; and said committee is hereby authorized to charge reasonable fees for entertainment and accommodations on said parks, reservations, or other public spaces to aid in meeting the necessary expenses incident to the session.

SEC. 5. That the Commissioners of the District of Columbia are hereby authorized to permit said committee to stretch suitable overhead conductors, with sufficient supports, wherever necessary and in the nearest practicable connection with the present supply of light, for the purpose of effecting special illumination: *Provided*, That the said conductors shall not be used for the conveying of electrical currents after June 10, 1923, and shall, with their supports, be fully and entirely removed from the public spaces, streets, and avenues of the said city of Washington on or before June 15, 1923: *Provided further*, That the stretching and removing of the said wires shall be under the supervision of the Commissioners of the District of Columbia, who shall see that the provisions of this resolution are enforced; that all needful precautions are taken for the protection of the public; and that the pavement of any street, avenue, or alley disturbed is replaced in as good condition as before entering upon the work herein authorized: *And provided further*, That no expense or damage on account of or due to the stretching, operation, or removing of the said temporary overhead conductors shall be incurred by the United States or the District of Columbia, and that if it shall be necessary to erect wires for illuminating or other purposes over any park or reservation in the District of Columbia the work of erection and removal of said wires shall be under the supervison of the officer in charge of said park or reservation.

SEC. 6. That the Commissioners of the District of Columbia are hereby authorized to grant, under such conditions as they may impose, special licenses to peddlers and vendors to sell goods, wares, and merchandise on the streets, avenues, and sidewalks in the District of Columbia during said session, and to charge for such privileges such fees as they may deem proper.

SEC. 7. That the Commissioners of the District of Columbia are hereby authorized to permit the telegraph and telephone companies to extend overhead wires to such points as shall be deemed necessary by the said committee, the said wires to be taken down within 10 days after the conclusion of the session.

SEC. 8. That the Public Buildings Commission is hereby authorized to assign to said committee for use and occupancy during said session such unoccupied public buildings in the District of Columbia as, in its discretion, may appear advisable: *Provided*, That any and all buldings so assigned shall be surrendered within 10 days after the close of the said session: *And provided further*, That the said committee shall furnish a bond or other satisfactory assurance of indemnity against damage to said property while in its possession, incidental wear and tear excepted.

The amendment was agreed to.

Mr. MCKELLAR. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. On page 6, line 8, it is proposed to insert a new section, as follows:

SEC. 9. The Public Utilities Commission of the District of Columbia shall not hereafter have or exercise power to fix rates of fare for the street railway companies in the District of Columbia at rates in excess of the rates of fare fixed in the existing charters or contracts heretofore entered into between said companies and the Congress; and from and after the passage and approval of this act said street railway companies shall receive 5 cents per passenger as a cash fare, but they shall issue and sell six tickets for 25 cents, as provided in existing charters.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. BALL. Mr. President, I object to the amendment.

Mr. SMOOT. Mr. President, I shall object to the consideration of the bill, because we can not consider it under the five-minute rule.

The PRESIDING OFFICER. Upon the objection entered by the Senator from Utah, the bill will be passed over.

Mr. ASHURST. Mr. President, I move that the Senate proceed to the consideration of the bill notwithstanding the objection.

The PRESIDING OFFICER. That may not be done under the unanimous-consent agreement already entered into.

Mr. ASHURST. Mr. President, I believe the Chair is correct. I am wholly, solely, and only to blame. I should have been giving attention when that order was entered—that order which prevents the Senate from taking a vote on a bill that will pass if the roll is called.

Mr. TOWNSEND. Mr. President——

The PRESIDING OFFICER. Does the Senator from Arizona yield to the Senator from Michigan?

Mr. ASHURST. I will yield in a moment.

The PRESIDING OFFICER. The Senator declines to yield.

Mr. ASHURST. I can easily pay my fare, 8 cents per transit. It does not distress me to reach the Capitol; but here in the Federal city, where thousands of clerks are assembled to do the Nation's business, they are exploited, not only by being charged 8 cents per transit but exploited by the rapacity of the telephone company, of the electric-light company, of the gas company, in a manner that would put to shame the most rapacious school of sharks that ever sank teeth into human flesh.

The Senator from Illinois [Mr. MCCORMICK] asks how the sharks operate? Do you know what a pilot fish is? On or near every shark is a pilot fish, and without that pilot fish to guide the shark where to find his prey, the shark starves. Who will be the pilot for the sharks to-day?

Mr. DIAL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state his inquiry.

Mr. DIAL. What disposition was made of Senate Joint Resolution 266?

The PRESIDING OFFICER. It was passed over.

Mr. MCKELLAR. The Senator from Utah [Mr. SMOOT] objected to its consideration.

Mr. DIAL. I trust the Senator from Utah will permit the joint resolution to be passed at an early day.

LONGEVITY PAY OF NAVAL OFFICERS.

The bill (H. R. 7864) providing for sundry matters affecting the Naval Establishment was announced as next in order.

Mr. KING. Let that be passed over.

Mr. WADSWORTH. I desire to call the attention to section 12, at the bottom of page 9 of the bill. Section 12 is reported as a committee amendment, and in that amendment it is proposed that officers of the Navy shall count, for purposes of computing increased pay for length of service and for other allowances, the time spent at the Naval Academy as midshipmen. The pay bill of last year, which took care of all the six services, specifically reiterated the provisions of the act of 1916, which brought to a termination the counting of academy service, both at West Point and Annapolis, for the purpose of computing longevity pay. It is utterly unfair to the other services to repeal the law of 1916 and permit naval officers to have the advantage of that increase, when the Congress in 1916 decreed that thereafter they should not have that advantage.

Mr. KING. I have objected to the consideration of the bill.

The PRESIDING OFFICER. On objection of the Senator from Utah the bill will be passed over.

Mr. POINDEXTER. Speaking in whatever time I may have on the next bill, I would like to say a word, not for the purpose of expecting the consideration of this measure at this time, but to answer some of the statements made by the Senator from New York.

The PRESIDING OFFICER. The Secretary will report the next bill; then the Senator from Washington will be recognized.

The bill (S. 4245) to provide the necessary organization of the Customs Service for an adequate administration and enforce-

ment of the tariff act of 1922, and all other customs revenue laws, was announced as next in order.

Mr. POINDEXTER. Reserving the right to object, I would like to say, in answer to the remarks of the Senator from New York, that he has not stated all of the circumstances relating to the matter to which the section which he cited of House bill 7864 refers. He has stated only a part of them, and missed the essential objects of this section. It is not true that the law of 1916, or of any other year, prohibited altogether the counting of the time of midshipmen at the Naval Academy in estimating their longevity pay.

The law to which the Senator refers was passed in 1913, instead of 1916; but the trouble about it was that while it provided that all of the midshipmen who graduated after 1916 should not be allowed to count their service at the Naval Academy in the computation of service for the purpose of computing longevity pay, it allowed all those who graduated in 1916 and previous years to count such time. It was not considered important by the Committee on Naval Affairs whether that time is counted or not counted, but it was considered important that all officers in the Navy should be put upon the same basis as to pay.

In 1922 the pay bill to which the Senator from New York refers, which applied to six services, established an entirely new basis of pay for officers of these services. Before the passage of that act pay had been based almost entirely upon rank. After the passage of that act it was based principally upon length of service, and it was the view of the committee that when that new basis was established and the pay which officers of the Navy should receive was based upon the length of service the same method of computing service should be applied to all officers of the Navy; that there should not be one class of officers who, in the average length of expectation of service in the Navy, should receive from $13,000 to $15,000 more in the way of pay and allowances than another set of officers of identical rank and of identical length and character of service. In a word, the committee proposed this measure simply for the purpose of removing this discrimination. It does not make any difference whether you take service in the Naval Academy as a standard upon which pay is computed or some other standard; the object is to obtain a just result, fair pay and allowances, and that there shall be a uniform basis of pay for all officers entering the same services who are of the same rank and have the same length and character of service.

At some other time before the adjournment of the session I will ask the Senate to take up and consider House bill 7864.

ENFORCEMENT OF CUSTOMS REVENUE LAWS.

The bill (S. 4245) to provide the necessary organization of the customs service for an adequate administration and enforcement of the tariff act of 1922, and all other customs revenue laws was next in order.

Mr. WILLIAMS. I ask that the bill may go over.

The PRESIDING OFFICER. The bill will be passed over.

LEGISLATIVE APPROPRIATIONS.

The PRESIDING OFFICER laid before the Senate the action of the House of Representatives receding from its disagreement to the amendments of the Senate numbered 10 and 25 to the bill (H. R. 13926) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1924, and for other purposes, and receding from its disagreement to the amendment of the Senate numbered 26 to the said bill and concurring therein with an amendment as follows:

In lieu of the matter proposed by said amendment to insert:

"The Public Printer may hereafter employ such number of apprentices (not to exceed 200 at any one time) as in his judgment will be consistent with the economical service of the office."

Mr. WARREN. Mr. President, I move that the Senate concur in the amendment of the House of Representatives to the amendment of the Senate No. 26.

The motion was agreed to.

Mr. ROBINSON. Mr. President, what is the measure on which the Senator from Wyoming has requested action?

Mr. WARREN. We have just concluded consideration of the conference report on the legislative, executive, and judicial appropriation bill. The amendment of the House to the amendment of the Senate numbered 26, in which the Senate has concurred, involves the employment of apprentices by the Public Printer. The Senate provided for such apprentices, but the House restricted the number to 200 at any one time. I may say that even before the amendment went to the House we had agreed in conference to restrict the number as provided in the House amendment to the Senate amendment.

Mr. ROBINSON. Very well.

AWARD AGAINST THE UNITED STATES IN FAVOR OF NORWAY.

Mr. WARREN. I now wish to submit a report relative to another matter which I think will take but a moment, and if it shall take longer I shall withdraw it.

From the Committee on Appropriations I report back favorably without amendment the joint resolution (H. J. Res. 440) to satisfy the award rendered against the United States by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway, and I submit a report (No. 1139) thereon.

The joint resolution proposes to provide for the payment of nearly $12,000,000 to the Norwegian Government, but it appropriates nothing now, for it is to be paid out of an appropriation which we provided for the Shipping Board last year. The sum of $50,000,000 was then appropriated to provide for this and other similar matters.

Mr. UNDERWOOD. Mr. President——

The PRESIDING OFFICER. Does the Senator from Wyoming yield to the Senator from Alabama?

Mr. WARREN. I do.

Mr. UNDERWOOD. I understand in reference to the matter now referred to by the Senator from Wyoming that we agreed to submit the case of this Government and the Norwegian Government in relation to their shipping to arbitration at The Hague?

Mr. WARREN. Yes.

Mr. UNDERWOOD. And the sum carried in the joint resolution was found to be due by the court of arbitration?

Mr. WARREN. Yes; and this proposed legislation is to carry out the award?

Mr. NORRIS. The effect of this joint resolution, as I understand, if passed will be simply to carry out the judgment which was rendered by the court of arbitration?

Mr. WARREN. That s all. I may say by the award of the tribunal itself the judgment bears 6 per cent interest from the time it is rendered, and we wish to stop the payment of the interest.

Mr. NORRIS. Was the dispute with the Norwegian Government directly?

Mr. WARREN. It was with the Norwegian Government, and the matter was decided through arbitration.

Mr. NORRIS. The question was left to arbitration?

Mr. WARREN. Yes.

Mr. NORRIS. And the arbitrators found that we were indebted in this amount?

Mr. WARREN. Exactly, and the settlement is satisfactory to both countries.

Mr. NORRIS. Very well.

Mr. WARREN. I ask unanimous consent for the immediate consideration of the joint resolution.

The PRESIDING OFFICER. Is there objection to the immediate consideration of the joint resolution?

There being no objection, the Senate as in Committee of the Whole proceeded to consider the joint resolution, which was read as follows:

Resolved, etc., That the appropriation of $50,000,000 for the payment of claims by the United States Shipping Board, contained in the act entitled "An act making appropriations for the Executive and for sundry independent executive bureaus, boards, commissions, and offices, for the fiscal year ending June 30, 1923, and for other purposes," approved June 12, 1922, is made available to the extent required to enable the Secretary of State to satisfy the award rendered against the United States on October 13, 1922, by the arbitral tribunal established under the special agreement concluded June 30, 1921, between the United States of America and the Kingdom of Norway. And the Secretary of State is authorized to withhold from the total amount awarded the sum of $22,800 with interest at the rate of 6 per cent per annum from October 13, 1922, to the date of payment of the award, and to pay the claim of Page Bros., American citizens, in accordance with the decision of the arbitral tribunal.

The joint resolution was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

SOUTHERN PACIFIC CO.

The bill (S. 3805) to confer jurisdiction upon the Court of Claims to ascertain the cost to the Southern Pacific Co., a corporation, and the amounts expended by it from December 1, 1906, to November 30, 1907, in closing and controlling the break in the Colorado River was considered as in Committee of the Whole and was read, as follows:

Whereas, at request of President Roosevelt and under the stress of great emergency, from December 1, 1906, to November 30, 1907, the Southern Pacific Co. closed and controlled the break in the Colorado River and thereby prevented the overflow and destruction of 1,214,000 acres of irrigable land in the Imperial Valley, in southern California,

and saved to the Government the Laguna Dam and the Yuma reclamation project connected therewith in Arizona, as well as thousands of acres of other Government land along the Colorado River: Therefore

Be it enacted, etc., That the claim of the Southern Pacific Co., a corporation, against the United States for reimbursement and repayment to such company of the cost to said company and the amounts expended by it from December 1, 1906, to November 20, 1907, in closing and controlling the break in the Colorado River be, and such claim is hereby, referred to the Court of Claims, and full jurisdiction is hereby vested in said court to ascertain the amounts actually expended and the actual costs incurred by the said Southern Pacific Co. in closing and controlling said break within said period, what portion of such expenditures or costs protected or saved the company's railroad lines and roadbed, and to report its findings to Congress. In ascertaining aforesaid costs and expenses the court may receive and consider all papers, depositions, records, correspondence, and documents heretofore at any time filed in Congress and in the executive departments of the Government, together with any other evidence offered, and no statute of limitations shall apply.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

The preamble was agreed to.

WAR-RISK INSURANCE.

The bill (H. R. 10003) to further amend and modify the war risk insurance act was considered as in Committee of the Whole.

The bill had been reported from the Committee on Finance with an amendment to strike out all of the bill down to and including line 12, page 3, and to insert in lieu thereof the following words:

SEC. 23. (1) That, except as provided in subdivision (2) of this section, when by the terms of the war risk insurance act and any amendments thereto, any payment is to be made to a minor, other than a person in the military or naval forces of the United States, or to a person mentally incompetent, or under other legal disability adjudged by a court of competent jurisdiction, such payment shall be made to the person who is constituted guardian, curator, or conservator by the laws of the State or residence of claimant, or is otherwise legally vested with responsibility or care of the claimant or his estate: *Provided*, That prior to receipt of notice by the United States Veterans' Bureau that any such person is under such other legal disability adjudged by some court of competent jurisdiction, payment may be made to such person direct.

(2) The director, when satisfied after due investigation that any person entitled to receive compensation under Article III of the war risk insurance act is mentally incompetent, may order that all moneys payable to him or her under said article shall be held in the Treasury of the United States to the credit of such person. All funds so held shall be disbursed under order of the director and subject to his discretion for the comfort and maintenance of such incompetent, and any surplus remaining in his hands may be used by the director in accordance with regulations to be prescribed by him for the comfort and maintenance of the dependents of the incompetent. If said incompetent be an inmate of any asylum or hospital for the insane maintained by the United States, or by any of the several States or Territories of the United States, or any political subdivision thereof, the director may pay to the chief executive officer of said asylum or hospital in which said person is an inmate such portion of said compensation as the director may deem proper, to be used by such officer for the maintenance and comfort of said inmate, subject to the duty to account to the United States Veterans' Bureau and to repay any surplus in his hands in accordance with regulations to be prescribed by the director. Any surplus compensation held by the director under this subdivision shall be invested in interest-bearing securities of the United States. When such incompetent shall be found to be mentally competent or shall die any balance or securities remaining to his credit shall be paid or turned over to the claimant, if living, or to his personal representative, if dead: *Provided further*, That for the purpose of payments of benefits under Article III of the war risk insurance act, as amended, where no guardian, curator, or conservator of the person under a legal disability has been appointed under the laws of the State or residence of the claimant, the director shall determine the person who is otherwise legally vested with responsibility or care of the claimant or his estate.

The amendment was agreed to.

Mr. KING. I would like to have some explanation of this bill and a statement as to whether it is unanimously reported by the committee.

Mr. McCUMBER. The bill is unanimously reported by the committee, at the urgent request of the Veterans' Bureau. The real purpose of the bill is to cover cases of this kind: There are many instances in which a soldier or sailor has become mentally incapacitated, and is in a hospital for the insane, where there has been no curator appointed, and no one to represent the person so afflicted. The bureau is authorized by this bill to use for his comfort the money that would come under the provisions of the law until some one is appointed to care for him.

Mr. KING. It is not a general revision of the act?

Mr. McCUMBER. Not at all.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The amendment was ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time and passed.

E. J. REYNOLDS.

Mr. SMOOT. I ask unanimous consent to return to Order of Business No. 1014, the bill (S. 4345) for the relief of E. J. Reynolds.

The PRESIDING OFFICER. Is there objection

Mr. McNARY. I would like to go forward with the calendar. In going backward we do not get anywhere.

Mr. WILLIS. Objection was made to the consideration of this bill by the Senator from Utah [Mr. SMOOT], but he has now informed himself as to the facts and will withdraw his objection. It will take very little time to pass the bill.

Mr. McNARY. I object until after action has been had upon Senate bill 4399.

Mr. DIAL. Mr. President, I call for the regular order.

The PRESIDING OFFICER. The regular order is called for, and the Secretary will report the next bill on the calendar.

STANDARDS FOR HAMPERS, ETC.

The bill (S. 4399) to fix standards for hampers, round stave baskets, and splint baskets for fruits and vegetables, and for other purposes, was announced as next in order.

Mr. OVERMAN. I object to the consideration of the bill at this time. I have some letters objecting to the passage of the bill and others favoring it. I want to look carefully into the bill and I object to its consideration now.

The PRESIDING OFFICER. Objection is made, and the bill will be passed over.

Mr. McNARY. I regret the attitude of the Senator from North Carolina. This legislation has passed the House. It is sought by the consumers, various farm organizations, and producers generally, and I have received many requests from the Senator's own State for early action on the bill.

Mr. OVERMAN. I have some letters favoring it and others against, and I want to know what is best to do about it. So I object to the consideration of the bill until I can look into it. I do not say that I am opposed to the bill.

The PRESIDING OFFICER. The bill will be passed over.

E. J. REYNOLDS.

Mr. WILLIS. Now that Senate bill 4399 has been disposed of for the present, I renew the request that we return to Order of Business 1014, Senate bill 4345.

Mr. DIAL. I call for the regular order.

The PRESIDING OFFICER. The Senator from South Carolina demands the regular order. The Secretary will report the next bill on the calendar.

AMENDMENT OF NATIONAL DEFENSE ACT.

The bill (S. 4132) to amend an act entitled "An act to provide further for the national security and defense, and, for the purpose of assisting in the prosecution of the war, to provide credits for industries and enterprises in the United States necessary or contributory to the prosecution of the war, and to supervise the issuance of securities, and for other purposes," approved April 5, 1918, and for other purposes, was announced as next in order.

Mr. SMOOT. It will be impossible to pass that bill in five minutes, so I ask that it may go over.

The PRESIDING OFFICER. The bill will be passed over.

LIEUTENANT COLONEL HARDIN AND CAPTAIN SCHOLL.

The bill (S. 4425) to authorize appropriations for the relief of certain officers of the Army of the United States was announced as next in order, and was read, as follows:

Be it enacted, etc., That the Comptroller General of the United States be authorized and directed to allow and credit in the accounts of Lieut. Col. Joseph S. Hardin, Finance Department, the sum of $6,779.96, and in the accounts of Capt. P. A. Scholl, Finance Department, the sum of $202.02, which amounts represent public funds which were stolen by a former employee.

Mr. KING. Reserving the right to object, I would like to have an explanation of the bill.

Mr. NEW. This bill deals with the cases of two officers who were in charge of the disbursement of Government funds. A civil-service employee, a civilian, with whose appointment they had nothing whatever to do, embezzled about $11,000 worth of public money which was in their charge. He ran away, was captured in Mexico, was brought back to the United States, prosecuted, and convicted. He was under the usual bond of $5,000, which was collected and applied on the amount of the embezzlement. It leaves six thousand and some odd dollars, nearly all of which is chargeable to one of the officers, the remainder, two or three hundred dollars, to the other. The War Department favors the passage of the bill; it is the usual course to follow, and I think the officers should be relieved of responsibility for a theft of which the Government was the real victim and not themselves.

Mr. SMOOT. Does the Senator say that the Secretary of War recommends the passage of the bill?

Mr. NEW. Yes; I said that the War Department recommends its passage.

Mr. DIAL. I call the attention of the Senator from Indiana to the fact that the party who stole the money has been prosecuted and is now in the penitentiary.

Mr. NEW. I so stated.

Mr. SMOOT. Is it to be the policy of the Government that when an individual steals money, no matter under what conditions, the Government is to repay the officer the amount of money? Why not extend it to everybody in the United States?

Mr. NEW. I tried to make it clear that the man was not there at the behest or order of these officers. He was sent there, and they had to take him whether they wanted to have him or not. He was given to them by the Civil Service Commission. He proved dishonest and stole the money. One of these officers followed him to Mexico——

THE MERCHANT MARINE.

The PRESIDING OFFICER. The hour of 1 o'clock having arrived, the Chair lays before the Senate the unfinished business, House bill 12817.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 12817) to amend and supplement the merchant marine act, 1920, and for other purposes.

The PRESIDING OFFICER. The Secretary will state the pending amendment.

The ASSISTANT SECRETARY. On page 3, line 14, before the word "vessels" strike out the word "such."

The amendment was agreed to.

Mr. JONES of Washington. Mr. President, I desire to submit the unanimous consent proposal which I offered to the Senate on Saturday, and I ask that it may be read.

The PRESIDING OFFICER. The Senator from Washington desires to have reported the unanimous-consent proposal which he offered on Saturday. The Secretary will read as requested.

The Assistant Secretary read as follows:

It is agreed by unanimous consent that on and after Friday, February 16, no Senator shall speak more than once nor longer than 60 minutes on the shipping bill, or more than once nor longer than 30 minutes on any amendment pending or that may be offered to said bill; and that on and after Tuesday, February 20, if said bill is not sooner disposed of, no Senator shall speak more than once nor longer than 15 minutes on said bill or more than once nor longer than 5 minutes on any amendment that may be pending or that may be offered.

The PRESIDING OFFICER. Is there objection?

Mr. WILLIAMS. I object.

The PRESIDING OFFICER. Objection is made.

Mr. JONES of Washington. Mr. President, I recognize the very great importance of action upon the foreign debt funding bill. That bill was passed by the House with, I think, only one day's consideration. I do not know of any serious objection to it in the Senate. It ought to be acted upon in the Senate without taking very much time. I want to facilitate it in every way that I can. I am going to say now that I am willing, so far as I may, that the Senate shall adjourn from day to day for a couple of days so that we may have the morning hour to devote to that bill, but I also want now to give notice that on Wednesday I shall ask the Senate to remain in session in the evening, at least until 10 or 11 o'clock.

Mr. ROBINSON. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Arkansas?

Mr. JONES of Washington. I yield.

Mr. ROBINSON. When is it expected that the British debt funding bill will be brought before the Senate?

Mr. JONES of Washington. I have just stated that I am willing to adjourn, when we close our business to-day, until 11 o'clock to-morrow and that that measure might be taken up during the morning hour to-morrow and then, if not disposed of, I would be willing to adjourn to-morrow until the next day, so that at least two hours could be devoted to it on that day. Possibly by that time, if not sooner disposed of, we might be able to reach some agreement or understanding.

Mr. ROBINSON. So it is expected that the debt funding bill may be brought forward to-morrow during the morning hour?

Mr. JONES of Washington. I am willing that that may be done.

Mr. FLETCHER. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Florida?

Mr. JONES of Washington. I yield.

Mr. FLETCHER. Does the Senator propose to lay aside the pending bill, the unfinished business, until the debt funding bill is disposed of?

Mr. JONES of Washington. No; I do not.

Mr. FLETCHER. Only for the morning hour?

Mr. JONES of Washington. Just during the morning hour. I propose to ask the Senate to continue the consideration of the shipping bill until time to quit to-day, and then I shall perhaps move to adjourn instead of recessing. I would be willing to adjourn until 11 o'clock to-morrow morning. That would give the morning hour of two hours that could be used in the consideration of the debt funding bill. Then, as I said, if not disposed of to-morrow, I would be willing at the close of business to-morrow to adjourn until the next day, so as to give two hours on that day for the consideration of the debt funding bill. It seems to me that with those four hours we ought to get a pretty clear indication as to some arrangement to finally dispose of the debt funding bill.

Mr. CURTIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Washington yield to the Senator from Kansas?

Mr. JONES of Washington. Certainly.

Mr. CURTIS. If upon Wednesday it should develop by 1 o'clock, at the close of the morning hour, that there was a likelihood of reaching a vote within a few hours on the debt fund ing bill, I ask the Senator whether he would consent to lay aside the unfinished business temporarily in order that the debt funding bill might be disposed of?

Mr. JONES of Washington. If the debt funding bill could be disposed of on Wednesday, I would be perfectly willing to do that.

PROPOSED INVESTIGATION OF VETERANS' BUREAU.

Mr. WALSH of Massachusetts. Mr. President, I ask unanimous consent for the present consideration of the resolution which I send to the desk.

Mr. CURTIS. Let the resolution be reported.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent to present a resolution. The resolution will be read for the information of the Senate.

The resolution (S. Res. 439) was read as follows:

Whereas it has been reported in several press dispatches and asserted on the floor of the House of Representatives that there is evidence of waste, extravagance, irregularities, and mismanagement in the operation of the United States Veterans' Bureau;

Whereas it has been reported that general dissatisfaction prevails among the officials of said bureau;

Whereas because of such chaotic conditions and lack of coordination it is alleged that officials of said bureau have been removed and others have tendered their resignations;

Whereas the burden of such waste, extravagance, irregularities, and mismanagement falls upon the incapacitated soldier for whose relief said bureau was created; and

Whereas the conditions as alleged to exist would necessarily impair the morale of said bureau: Therefore be it

Resolved, That the special committee appointed under authority of Senate resolution 59, agreed to June 9, 1921, be requested to consider these allegations, in executive session or otherwise, and report to the Senate within seven days:

1. Whether it is feasible and desirable to institute a thorough investigation into the alleged waste, extravagance, irregularities, and mismanagement in the United States Veterans' Bureau; and

2. If said committee is of the opinion that an investigation be instituted that it make such recommendations to the Senate as to the manner and scope of such investigation; and

3. In view of the expiration of the terms of office of several members of said committee on March 4 next, make recommendation as to what committee, if any, should conduct such investigation.

The PRESIDING OFFICER. The Senator from Massachusetts asks unanimous consent for the immediate consideration of the resolution. Is there objection?

Mr. WALSH of Massachusetts. Mr. President, may I make a brief statement? A committee already exists that could institute the investigation, a special committee of five, headed by the Senator from West Virginia [Mr. SUTHERLAND]. But the terms of office of three members of the committee expire on March 4, and the committee's existence terminates on that date. Of course no complete or thorough investigation could be conducted in the course of the next three weeks. The resolution simply asks the committee to meet in executive session, if desirable, consider the allegations made, and report back to the Senate whether it is feasible and advisable to have a broad investigation, and by what committee it should be made. In other words, all the resolution asks is that the committee, upon which there are three Republicans and two Democrats, consider it in executive session, if it sees fit, because it is alleged that the Department of Justice is making investigation, and report back to the Senate within the next few days just what should be done by Congress in view of existing conditions.

Mr. JONES of Washington. If the resolution can be disposed of without discussion, I have no objection to its present consideration.

The resolution was considered by unanimous consent, and agreed to.

Mr. WALSH of Massachusetts. I ask to have printed in the RECORD at this point a letter from Congressman LARSEN, of Georgia, dealing with the subject covered by the resolution.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D. C., February 6, 1923.

Hon. DAVID I. WALSH,
United States Senate, Washington, D. C.

MY DEAR SENATOR: Of course your attention has been attracted during the past few weeks by the numerous press items regarding extravagance, mismanagement, and, in some instances, corruption alleged to exist in the Veterans' Bureau, both at its central office and in many of the regional and suboffices.

On March 17 last I introduced House Resolution 306, providing for the appointment of a committee to investigate and report on conditions and operations of the Veterans' Bureau in the management and control of claims for compensation, allotments, insurance, and vocational training, and all other matters over which said bureau has jurisdiction, to determine whether or not said bureau is efficient and economical in the management of its affairs, and also generally to investigate and report on all things affecting the welfare, management, and results obtained by the operations of the said bureau at its central office, regional offices, and suboffices.

This resolution was referred to the Committee on Rules, but notwithstanding many efforts to obtain report on same I have been unable to do so.

I notice that you are a member of a Senate committee which seems to be empowered to make such an investigation as is provided for in the resolution introduced by me, and I therefore wonder if you can obtain through this committee such authentic official information as would completely inform the public as to exact conditions existing in the bureau.

There are now employed in the Veterans' Bureau nearly 30,000 persons, at a cost of more than $425,000,000 per annum to the taxpayers, and such charges of extravagance, corruption, and graft should not, therefore, go unnoticed by the Congress. Certainly to furnish the desired information would not be incompatible with the public welfare.

I trust that you may be in position to obtain definite information not only along the lines referred to in the resolution mentioned above but specifically regarding conditions as to rentals of property at Stockton, Calif.; Richmond, Va.; Nauvoo, Ill.; Livermore, Calif.; Goshen, N. Y.; Aspinwall, Pa.; Tupper Lake, Pa.; and North Hampton, Mass.; as well as with reference to the sale of Army supplies at Perryville, Md., all of which has been recently alluded to in press dispatches as aforesaid, and with which, I am sure, you are familiar.

With sentiments of high regard,

Very truly yours, W. W. LARSEN.

PROPOSED CHANGE IN PRESIDENTIAL AND CONGRESSIONAL TERMS.

Mr. NORRIS. Mr. President, I move that the Senate proceed to the consideration of Calendar No. 918, the joint resolution (S. J. Res. 253) proposing an amendment to the Constitution of the United States fixing the commencement of the terms of President and Vice President and Members of Congress, and providing for the election of President and Vice President by direct vote.

The PRESIDING OFFICER. The question is on the motion of the Senator from Nebraska to proceed to the consideration of the joint resolution to which he has referred.

Mr. HARRISON. Mr. President, will the Senator explain the joint resolution?

Mr. NORRIS. I expected to make some explanation of it. It is a joint resolution, as its title states, proposing an amendment to the Constitution of the United States. It has in it two distinct propositions. One of the propositions relates to the term of office and the method of election of a President and Vice President. The other relates to the fixing of the beginning of the term of office of Members of the House of Representatives and the Senate.

It will be seen, therefore, that while I have coupled them in one resolution and they have been reported that way from the committee, yet they are capable of being separated into two distinct propositions and either one of such propositions could become a part of the resolution without in any way interfering with the other one. I have recognized that the resolution is capable of such a division. While I am just as much in favor of one proposition as the other, I have realized for some time that there was some opposition to one of the propositions both in the Senate and outside. Personally, I do not concede that the opposition is well founded. I do not believe there can be any valid objection made to the elimination of the Electoral College. I have never heard what to my mind was any argument in favor of maintaining and still retaining in our Constitution that fifth wheel of our governmental wagon.

But, Mr. President, I realize that this Congress is drawing to a close, that on the 4th of March all bills, joint resolutions, and other measures that have not received the sanction of both the House and the Senate must fall. I had confidence that a very large number of the legislatures now in session would approve either one or both of the propositions, if submitted to them before they adjourned, but I know that it will be an impossibility to get the joint resolution agreed to in the Senate and in the House during the remainder of this session if there is any substantial opposition to it.

I have agreed, therefore, that so far as I can I will consent to the separation of the two propositions and for the present eliminate all that part of the joint resolution that applies to the Electoral College and the office of President and Vice President, and confine it only to the proposition so far as it applies to Members of the House of Representatives and Members of the Senate. If that be done, section 2 would be left, reading as follows:

That the terms of Senators and Representatives shall commence at noon on the first Monday in January following their election.

It would also leave section 3, which reads as follows——

Mr. ROBINSON. Mr. President, will the Senator from Nebraska yield to me for a question?

Mr. NORRIS. Yes.

Mr. ROBINSON. If the motion of the Senator from Nebraska shall prevail, it is his purpose so to modify the joint resolution that the Senate shall consider the question of advancing the time when Senators and Representatives shall assume their duties from March 4, as now provided under the Constitution, to January 1?

Mr. NORRIS. To the first Monday in the following January.

Mr. ROBINSON. To the first Monday in January. That is correct. So that the interim of time when the result of the election may reflect itself in the action of Congress shall be shortened, and Senators and Representatives elected in the November election shall begin their duties the first Monday in January instead of subsequent to the 4th of March. Under the Constitution as it now exists, unless a special session of the Congress shall be called by the President, a Member of the House of Representatives or of the Senate who is elected in November does not actually assume the performance of his duties until the first Monday in December of the following year. Members who have been defeated may continue to perform their functions until the 4th of March of the year following their defeat in November.

Mr. NORRIS. Yes; the Senator has stated the condition with absolute correctness.

Now, Mr. President, let me proceed from the point where the Senator from Arkansas interrupted me in order that I may show just exactly what would be the result of the passage of the joint resolution. I have read section 2. Section 3 would also remain, reading as follows:

SEC. 3. That the Congress shall assemble at least once in every year and such meeting shall be on the first Monday in January, unless they shall by law appoint a different day.

Then a part of section 4 would remain. If Senators who are following me will turn to page 4, line 3, of the joint resolution, commencing after the period in that line and reading the remainder of the section, they will find that what still remains would read as follows:

The terms of Senators and Representatives who may be in office at the time of the adoption of this amendment shall end at noon on the first Monday in January of the year in which such terms would otherwise have ended on the fourth day of March.

If the changes which I have suggested were made, that would be all which would remain of the proposed constitutional amendment.

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER (Mr. TOWNSEND in the chair). Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield to the Senator from Washington.

Mr. JONES of Washington. Does the Senator from Nebraska know of any opposition to that proposition?

Mr. NORRIS. I do not know of any, I will say to the Senator.

Mr. JONES of Washington. I wish to say to the Senator from Nebraska that I really can not conceive of any opposition to it; I should be heartily in favor of it; and am perfectly willing, so far as I am concerned, that it may be passed during the morning hour by unanimous consent. I am inclined to think the Senator ought to be able to secure that result. Of course, I would not be in favor of displacing the unfinished business.

Mr. NORRIS. If it be true, I will say to the Senator, that we could pass the joint resolution during the morning hour, it would not take any longer after the morning hour; and if the Senator would defer his opposition to it, I certainly would be glad to have a vote upon the proposition at any time, as soon as it may be obtained; but I do not mean when I suggest that the Senator withdraw his opposition that the Senator is opposed to the joint resolution. I mean that he would probably be opposed to the motion I have made displacing the unfinished business.

Mr. JONES of Washington. That is what I am opposed to, but I should like to see the Senator ask unanimous consent that the joint resolution be considered during the morning hour and ascertain whether there would be any objection to the request.

Mr. NORRIS. I should have followed that course if I had thought it would be possible to get the joint resolution through in that way, but I have never known a proposition for the submission of an amendment to the Constitution to go through in that way. I do not believe I could get it through in that way, although I should be glad to do so if I could. However, no one made such a suggestion, and, in fact, it never occurred to me that it would be possible to have the joint resolution passed during the morning hour.

Mr. ROBINSON. Mr. President, will the Senator from Nebraska yield to me for a question?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arkansas?

Mr. NORRIS. I yield to the Senator from Arkansas.

Mr. ROBINSON. The Senator from Nebraska has recently read section 3 of his joint resolution, which provides that Congress shall assemble at least once in every year, and that its meeting shall be on the first Monday in January following. The effect and purpose of that provision, as I understand, is more promptly and more effectively to reflect in the action of Congress the result of the election?

Mr. NORRIS. Yes, sir; that is the purpose.

Mr. ROBINSON. If the proposed constitutional amendment should be submitted and ratified, the country would not again be confronted with the spectacle which is now presented——

Mr. NORRIS. No, sir; that would be an impossibility.

Mr. ROBINSON. Namely, pressure from the administration in power to secure—I will not say coerce—the passage of a measure which has been disclosed to be unpopular among the voters of the Nation in an election held prior to the time that measure was taken up for consideration in the Senate of the United States. It has been called to the attention of the Senate and of the country that a great many Members of the body at the other end of the Capitol and some Senators who have committed themselves to what we have come to know as the ship subsidy bill were defeated in the last election, and their successors in many instances are opposed to the passage of that measure. I think it is quite generally admitted that if consideration of the ship subsidy bill be postponed until the new Congress meets, the Congress elected in the November election in 1922, the bill sponsored and advocated so ably by the Senator from Washington [Mr. JONES] would not be passed. For that reason, the President, conscientiously convinced that the public interest requires the enactment of the provisions of the ship subsidy bill or some similar provisions, is apparently exerting every influence he possesses to secure the final disposition of the pending bill.

I stated in the beginning of this debate that the measure should be fully considered by the Senate; that it was not my intention to pursue a course which would prevent the Senate from registering its conclusions respecting the subject after it had become fully familiar with the purposes and provisions of the pending bill. There is in committee amendments proposed to the ship subsidy bill incorporated a policy the effect of which, if enacted into law during the present Congress, will be to deny to subsequent Congresses the opportunity of enacting into law the will of the American people respecting the subject matter of this legislation.

It is proposed now permanently to appropriate out of the Treasury of the United States every dollar of a fund which has not yet been created, the amount of which fund is not yet known and can not as yet be determined. The only purpose that can be in the mind of Senators proposing the provision to which I have referred is to take advantage of the majority that now exists, or is thought to exist, in favor of the proposed legislation, but which will not exist when the viewpoint of the American people as expressed in the last November election is given effect in the Congress of the United States.

Senators who have been defeated, in part because of their support of this measure, and Representatives whose advocacy of it has occasioned their defeat, are asked, in defiance of the will of those who gave them their power here, to impose the burdens of the ship subsidy bill on the Treasury and the people of the United States for a period of 15 years; so that in good faith, however futile may prove the provisions of the bill to accomplish its purposes, however detrimental experience may show them to be to the general public interest, the Congress and the country will be irrevocably committed to the expenditure of the very large sums contemplated by the bill in the nature of a ship subsidy.

For my part, I think the issue of the ship subsidy bill can be simplified. Assuming no authority to speak for any other Senator, but speaking for myself alone, if the Senate committee is willing to recede from the amendments to the bill which seek to fasten upon the country for 15 years the obligations of the bill without regard to the political sentiment of the Nation, I know of no reason why a vote may not be had during the present session of the Congress.

Mr. ASHURST. Mr. President, will the Senator yield to me?

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Arizona?

Mr. ROBINSON. I have not the floor. The Senator from Nebraska has been good enough to yield to me, and I apologize now to the Senator from Nebraska for taking so much of his time.

Mr. JONES of Washington. Mr. President——

Mr. ROBINSON. Of course, if the Senator from Washington or other Senators object to my continuing my remarks now, I shall be compelled to take the floor in my own time.

Mr. JONES of Washington. I was not going to do it.

Mr. ROBINSON. If permitted to continue, the time of the Senate will be conserved. I shall conclude my remarks in a few minutes.

Mr. JONES of Washington. I was not going to object. I was just going to express the hope, however, that when the Senator gets through, the Senator from Nebraska will not yield too often for speeches. I have not been disposed to appeal to the rule.

Mr. ROBINSON. Of course, it is entirely in the power of the Senator from Washington or any other Senator to prevent interruptions.

Mr. JONES of Washington. I know it; but I am not going to appeal to the rule.

Mr. ROBINSON. Very well.

Mr. NORRIS. I realize that if anyone wanted to enforce the rule, I could not permit it to go on without losing the floor. I do not want to lose the floor; but, while the Senator from Arkansas is using my time, I think he is making an argument that applies directly to the question that I am trying to bring before the Senate. I think myself that it is a very appropriate and a very weighty argument that he is making.

Mr. ROBINSON. I do not understand that the Senator from Washington has raised any objection.

Mr. JONES of Washington. Oh, no.

Mr. ROBINSON. And, with the indulgence of the Senator from Nebraska, I will continue for a few minutes and conclude now what I have in mind to say upon this subject.

This Congress, if it pursues the normal course, may perhaps with propriety legislate and bind the Government for a period of one year. Under the circumstances that exist I think it is objectionable to a degree almost reprehensible to insist, because there is a majority here now, some of whom have been discredited, and because there will not be a majority hereafter in favor of this bill, that the legislation should be passed in spite of the overwhelming sentiment disclosed among the people of the country in opposition to the legislation. For my part, if the application of this bill is limited with due respect to the right and privilege of future Congresses to legislate upon the subject without being confronted with the question of the abrogation of contracts, I have no objection to the Senate taking such course as it deems proper with reference to the matter, and have no objection to a vote on the bill.

Mr. President, I meet the proposal of the President of the United States, contained in his message to Congress delivered a few days ago, that the Senate ought to take a vote upon this proposition, with a counterproposition, so far as my individual attitude is concerned, and that is: All right; abandon the attempt to enact into law now, with the support of Senators and Representatives who have been defeated because of their advocacy of this measure, a bill that will impose upon the country burdens which can not be avoided during the period of 15 years; legislate according to the ordinary practice of the Congress; pursue the policy adopted by the overwhelming vote of the House of Representatives; restore to the bill the provision that the sums hereafter to accrue to the merchant-marine fund must be annually appropriated, and, I think, in view of the conditions that have been disclosed, limit the power to make contracts so that future Congresses may have full and free opportunity to reflect the will of the people concerning the subject, and I see no reason why a vote may not be had upon the bill.

The joint resolution proposed by the Senator from Nebraska is of great importance. It meets a demand that has been growing throughout the United States that discredited and defeated Congressmen and Senators shall not be permitted to register their support in favor of measures which their constituencies have impliedly disapproved. The joint resolution will give effect to the result of national elections. If adopted as proposed by the Senator from Nebraska, it will put Senators and Congressmen into office a few weeks after their election and

it will bring Congress into session within a very short time following the election.

I am not unmindful of what was originally said when the Constitution was adopted and what has recently been said by some public men touching this subject; but it must appear anomalous to students of the question that when a great issue is fought out before the American people and public sentiment is expressed in the election respecting that issue, under the conditions as they now exist the Congress may, as in the instance of the ship subsidy bill now under consideration, impose, in violation of the wishes and the will of the people of this country, obligations and burdens which the public neither approves nor has expressed willingness to assume.

Mr. FLETCHER. Mr. President, may I interrupt the Senator?

Mr. ROBINSON. With the indulgence of the Senator from Nebraska.

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Florida?

Mr. NORRIS. I yield.

Mr. FLETCHER. If the Senator will allow me at this point—and I call the attention of the Senator from Nebraska to it—there seems to be some impression over the country that this joint resolution contemplates the election of the President by direct vote of the people.

Mr. NORRIS. No; I will say to the Senator that that is not correct.

Mr. FLETCHER. I do not understand that that is the case at all.

Mr. NORRIS. No. The Senator from Florida probably was not here when I began my remarks. I explained that I had agreed that as far as I was concerned, if Senators would take up this joint resolution, I would divide it into its two component parts and would only ask for the passage at this time of the one relative to the House of Representatives and the Senate.

Mr. FLETCHER. I see. I wanted, however, to have that cleared up a little, because I have here an editorial from a very excellent newspaper in Florida that seems to be under that impression.

Mr. NORRIS. That is true of the resolution as it stands, of course. If we get it up, I expect to modify it in accordance with the outline I have already given.

Mr. FLETCHER. This editorial lays down the broad proposition that—

> if the election of the President be conceded to a majority of the total number of popular votes in these United States, State lines will be wiped out and the voters in the larger States, particularly New York, Pennsylvania, Massachusetts, Indiana, and Ohio, will determine every presidential election.

Mr. NORRIS. The writer of that editorial had a misconception even of the proposed amendment. It would not do anything of the kind. The amendment retains the State unit just as it is now.

Mr. FLETCHER. That is what I said.

Mr. NORRIS. The only difference would be, if that part of the amendment were put into the Constitution, that there would be no such thing as electing a lot of presidential electors. The State would have the same number of votes that it has now in the Electoral College——

Mr. FLETCHER. Precisely.

Mr. NORRIS. But they would certify those votes up here, instead of sending a lot of unnecessary men up here to cast them.

Mr. FLETCHER. Yes. It is not, however, the same as a direct popular vote for the officers.

Mr. NORRIS. Of course, in the sense that the people would have a chance, then, to vote directly for President and Vice President, it is popular voting.

Mr. FLETCHER. Yes.

Mr. NORRIS. But some unit, of course, it is conceded, must be maintained; and in order to make as little change as possible in the Constitution, I have retained in this amendment the State unit.

Mr. FLETCHER. I thought there was a distinction there, and I should like to have that cleared up. That is the reason why I mentioned this. Then, as I understand, the Senator proposes to deal particularly with what the Senator from Arkansas is discussing now—the time of going into office and election of Members of the House and Senate, and so forth.

Mr. NORRIS. Yes. That is all that would be left in it when the modification is made.

Mr. ROBINSON. Mr. President, respecting that portion of the Senate joint resolution as printed to which the Senator from Florida has referred, I do not desire at this time to express an opinion, further than to say that I think it is essential and necessary, if the manner of electing Presidents be changed, that the unit shall continue to be the State. It should be the State rather than the total vote of the Nation. There are many reasons which I could cite in justification of that suggestion, but I desire to confine my remarks to what I understand will be the question immediately under consideration if the motion of the Senator from Nebraska prevails. namely, changes in the Constitution so as to bring into office on the first Monday in January following their election Senators and Representatives in the Congress of the United States; further, to move forward the annual sessions of Congress so that the public may be assured, after having considered and determined issues of interest to them, that such issues will be dealt with by Senators and Representatives who are in a position to reflect the viewpoint of their constituencies.

There can be no escape from the declaration that one of the considerations which impelled the advocates of the pending bill to insist upon its determination during the present Congress is to secure the support for the measure of Senators and Representatives who have been defeated in part because of their attitude in favor of this legislation. I shall not attempt to characterize a motive which would prompt the exertion of influence approaching coercion for the passage of legislation known or generally regarded to be violative of the general public will. I shall content myself with saying that the Congress of the United States should not lend its processes to the enactment of legislation and the imposition of burdens upon the Treasury, when the evidence reasonably discloses that such legislation and such burdens meet with disapproval upon the part of the general public.

I have taken the liberty, with the consent of the Senator from Nebraska, to bring to the attention of the Senate these considerations at the present time, because they seem to have forceful relationship to the provisions of the pending bill. But the importance of the constitutional amendment now proposed by the Senator from Nebraska can not be determined or limited by its relationship to a single measure. It involves a question of national policy and issues of very great importance. It is a response to the inquiry whether the Congress of the United States, often justly or unjustly criticized as slow to respond to public sentiment, is unwilling to accept the public decisions of questions on which the public have a right to pass, and it answers that question, in my judgment, in a manner consistent with the highest standards of public duty which Senators and Representatives can establish. It solves the problem reasonably and fairly. It does not contemplate the enactment of legislation responsive to passion or vindictiveness, but it seeks to remedy what the press of the Nation, what students of political science, what Senators themselves have come to regard as quite objectionable under the prevailing system.

If it is desirable that the impulse and the impetuous demand for reform sometimes reflected in elections shall not be too promptly responded to, it is of even greater importance that when a question has been made an issue in a political campaign, when the voters have registered their decision and judgment affecting it, those who have been discredited and defeated shall not be permitted to defy the power which exalted them and override the will of the constituency by whose favor they enjoy public office.

I thank the Senator from Nebraska.

Mr. CALDER. Will the Senator from Nebraska permit me to make a few observations right at this point?

Mr. NORRIS. I have no objection. I can make my remarks later, and if Senators want to debate I will yield the floor and finish my remarks after they are through.

Mr. CALDER. Mr. President, I served five terms in the House of Representatives and have been a Member of this body for six years. I returned four times to Washington to take my seat in the House of Representatives for the short sessions of Congress, a reelected Representative, and I have been here twice in the short sessions when Senators were retiring. Frankly, it never occurred to me in those days that any Member of the House or the Senate who had failed of reelection should be debarred from his right to act upon questions under consideration. He had been elected by his people, and I always assumed, in my thought on the subject, that he would represent the sentiment of his people. In fact, I never gave little thought to it.

When I returned to the Capitol, however, on the first Monday of December last, a defeated Senator, then it did seem, when the thing was applied to me, when the acid test was put on, that after all it was a very great mistake to bring back de-

feated Senators and Representatives to pass upon questions which had been voted upon by the people in the very recent past. So for the first time in 16 years' service it was brought home to me. I repeat that in the six years of my service in the Senate, when Senators returned after having been defeated, it never occurred to me to question their right to pass upon matters before us here in the Senate.

Mr. NORRIS. Mr. President——

The PRESIDING OFFICER. Does the Senator from New York yield to the Senator from Nebraska?

Mr. CALDER. I yield.

Mr. NORRIS. I have always abstained, in arguing this question, from raising any question about those who had been defeated. Of course, technically they have the same rights as others. The Senator from New York is taking a very high moral ground in this matter, and it does him great credit and great honor to talk as he does. I presume he feels as I have thought I would feel, just a little bit embarrassed in acting on questions, particularly something which had been submitted to the people in a recent election. I should think that Senators and Representatives would often feel that way.

Mr. CALDER. As I have indicated, Mr. President, I have been embarrassed. I came back with great misgivings, and for that reason, when this constitutional amendment was introduced and was discussed in the Senate, I made up my mind that if the opportunity came to me to vote to advance the day when a new Congress should meet, I should gladly do so.

I shall not vote for the Senator's motion to lay aside the subsidy bill. I want the Senate to take a little longer time to its consideration to see if we can pass this measure which, I believe, will be most helpful to America's foreign trade.

Mr. NORRIS. Will the Senator yield again?

Mr. CALDER. Just let me conclude what I wanted to say. I made a speech on the subsidy bill about three weeks ago. I had prepared this speech several weeks before, and I had some misgivings about making it. I said to myself, Shall I address the Senate at all in this short session? Shall I express my views here, or shall I, as a Senator from New York, representing that State under the Constitution—the greatest State in population and wealth, entitled to the votes of its two Senators—just occupy my seat and vote on these matters as I believed my people would have me vote, or shall I also take part in the discussion?

I argued with myself, and finally I concluded that the subsidy was a subject which had no part in the campaign in my State. It was never discussed. I venture the statement that if my successful opponent were asked, he would say that he never mentioned it. Frankly, I never mentioned it. I am quite confident that if we could have drawn the line on the issue of Government aid to American shipping, and if that had been the sole issue, I would be sworn in again for another six years when the new Congress meets in December. But it was not.

The Senator from Arkansas [Mr. ROBINSON] might have discussed with me the question of the tariff, the soldiers' bonus, prohibition—all those questions were issues, along with my vote on the Esch-Cummins bill, and all of those things contributed to the result in New York—but with regard to the ship subsidy bill, I will say to my friend from Arkansas, who I am quite certain was not talking to me alone, that I agree that his contention is absolutely sound, that we ought to have the new Congress meet immediately after the election, that the new Members should come in and take their places here, and that the defeated Members should not vote upon questions which were passed upon adversely, as far as they were concerned, by the people.

That is all I wanted to say. I desire to go on record that I am strongly for this resolution, and hope an opportunity may come to me to vote for it.

Mr. ROBINSON. Mr. President, with the Senator from Nebraska [Mr. NORRIS] I agree that the Senator from New York [Mr. CALDER] has taken a very high ground respecting the subject. I have not suggested that any Senator or Representative who has been defeated should be denied his constitutional privilege to participate in the discussion and the decision of questions that arise here. My colleague, the junior Senator from Arkansas [Mr. CARAWAY], on November 22, 1922, introduced a concurrent resolution which seemed to have been the original movement in Congress on this important subject. I ask that the resolution may be printed in the RECORD for the information of the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The concurrent resolution is as follows:

Whereas this is a representative Government speaking for and interpreting the will of the people of the United States as expressed at the polls; and

Whereas no Representative in either branch of Congress has the moral right to support or vote for any measure which the people by their votes have repudiated; and

Whereas certain proposed legislation affecting a fundamental change in our economic and commercial policy is now recommended by the Executive for consideration by Congress; and

Whereas this proposed legislation has failed to receive the approval of the voters as evidenced by the elections recently held; and

Whereas Congress has been called into extraordinary session for the purpose of passing this legislation which the people have by imperative and unmistakable mandate repudiated; and

Whereas a Congress which adopts legislation in defiance of a popular mandate to the contrary would perpetrate an act of usurpation; and

Whereas many advocates of the ship subsidy bill in the present Congress have been rejected by emphatic majorities by their constituents; and

Whereas it is unwise to place in the hands of rejected public servants the power to adopt fundamental legislation; and

Whereas a sense of official propriety would suggest to the defeated Members the unwisdom of participating in legislation which, if enacted, would materially affect fundamental questions of public policy: Therefore be it

Resolved, etc., I. That it is the sense of the Senate of the United States that all Members defeated at the recent polls abstain from voting on any but routine legislation, such as necessary supply bills, motions to adjourn, or motions to recess, and such other legislation as does not involve any material change of national policy.

II. That chairmen of committees, not in sympathy with the people's wishes as expressed at the polls, and which have an important effect on legislation, resign from their respective chairmanships, so that their places may be filled by those who are known to be willing to carry into legislative effect the mandate of the people as expressed at the polls on the 7th day of November, 1922.

III. That the Senate of the United States reaffirm their readiness to bow to the people's will, when expressed at the polls, and declare that the vote of want of confidence in the leaders which has been registered shall not be disregarded.

Mr. ROBINSON. The purpose of the concurrent resolution was to express the sense of the Senate that Senators and Representatives who have been defeated should not vote on important issues here pending the time when their successors shall take their places. While it appears that the end sought by the concurrent resolution introduced by my colleague is not to be accomplished in the way that he sought to accomplish it, I have not the slightest doubt that when the subject is fully considered by the Congress and when the American people know that it is to be determined here the principle underlying the concurrent resolution offered by the junior Senator from Arkansas on November 22, 1922, and the provisions of the joint resolution now proposed by the Senator from Nebraska [Mr. NORRIS] will be incorporated into the law of the land. The Constitution ought to be so amended that Senators and Representatives after they have experienced defeat will not be compelled to experience the humiliation of passing upon questions, when they know that their opinions respecting those questions do not reflect the viewpoint of their constituents.

Mr. ASHURST. Mr. President, on the 12th of April, 1921, I introduced Senate Joint Resolution No. 8, to amend the Constitution of the United States, which is as follows:

A joint resolution (S. J. Res. 8) proposing an amendment to the Constitution of the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following amendment to the Constitution be, and hereby is, proposed to the States, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

"ARTICLE —.

"SECTION 1. The terms of the President and Vice President of the United States shall commence on the third Monday in January following the election of presidential and vice presidential electors.

"SEC. 2. The presidential and vice presidential electors, composing the Electoral College, shall assemble in the States by which they are appointed and cast their votes for President and Vice President on the second Monday in December following their appointment, and the vote so cast, duly certified, shall be filed with the President of the Senate before the first Monday in January next thereafter, and the Congress shall meet in joint session on the second Monday in January following and open and count the same: *Provided*, That Congress may alter all the dates fixed in this section, in its discretion.

"SEC. 3. The terms of Senators and Representatives shall commence on the first Monday in January following their election.

"SEC. 4. There shall be held two regular sessions of Congress, convening on the first Monday of January each year.

"SEC. 5. This amendment shall not take effect until after the 4th day of March of the year 1925."

The Committee on the Judiciary of the Senate appointed a subcommittee to hear arguments. The American Bar Association sent a representative, a learned and distinguished lawyer, Mr. William L. Putnam, of the Boston bar. He argued in support of the principle of the resolution.

There also appeared before the committee Mr. Levi Cook, of the District of Columbia bar, and Mr. Edgar Wallace, legislative representative of the American Federation of Labor. I ask unanimous consent to incorporate in the RECORD at this

point the statements of Mr. Cook and Mr. Wallace made before the subcommittee of the Committee on the Judiciary.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF MR. LEVI COOKE, MEMBER OF SPECIAL COMMITTEE ON CHANGE OF DATE OF PRESIDENTIAL INAUGURATION, AMERICAN BAR ASSOCIATION, WASHINGTON, D. C.

Mr. COOKE. Mr. Chairman and gentlemen of the committee, I have but little to add to Mr. Putnam's statement. The American Bar Association is committed to this change. The lawyers in their association meetings have studied this matter, and it is their conviction, after a consideration extending over a period of several years, that such a change should be made.

From my own observations I feel that the people of the country do not understand the short session of Congress following the general election. That session of Congress has got the reputation for a period of years of doing very little except to pass the supply bills, not concerning itself with great questions of policy that the country may be interested in, for the most part because of the inability of the Congress during that short time to give the necessary attention to such subjects.

I think the Congress itself will be far more efficient with two long sessions in the course of a two-year term, each beginning on the 1st of January.

As Mr. Putnam has stated, the beginning of the presidential term and the coming in of the Congress on March 4 is in a way an historical accident and has now become a dangerous anachronism.

I think while it may have applied accidentally to the Congress in the earlier days, in the first days of the Government under this Constitution, yet the necessities of the times in those days commended the dates to the people. Travel was difficult. There was not an automobile or an airplane; in fact, we had no railroad trains or steamboats in those days, and there was not a Burroughs adding machine to count the election returns. Men in remote parts of the country had to send in their two or three ballots by horseback, over long distances, so that their votes might be counted. I know that in the lifetime of my own father it was two months after the election of President before they knew the result in the country at large, particularly in southern Ohio, I mean; and they did not know who were the Members of the new Congress until a much later time than that.

The times have completely changed. What was an accident in the beginning, and thereafter a necessity, has long since ceased to be useful in this country, and has led us now in the year 1922 to a point where the public at large does not understand why the Congress functions in the way it does after election.

Furthermore, we have had the experience in the past decade of almost regular extraordinary sessions of Congress to fill the gaps and make the Congress function as it should function.

The more important acts of Congress are usually passed in September or October after a long session extending throughout the summer, commencing in March, or perhaps called by the President in April. That can be avoided by this system. Congress can function promptly after January 1 and dispatch its business, and, in addition, there can be some relaxation for the Members of the House and Senate, which will not only benefit them individually but give them some more vacation than they have had and some more opportunity to return to their homes and mix with their people.

The point that Senator ASHURST mentioned as being one objection has been studied by some of the persons who have given thought to the subject; that is, under the present system, cumbersome as it can be, there is a cooling-out period between the excitement of the campaign and election and the actual holding of a session. That is an argument that is without foundation in fact, a criticism that certainly can not be substantiated. If five months is a good cooling-out period, maybe five years would be better. We would then have gentlemen coming here so well cooled out that the topics discussed on the hustings would no longer be fresh in their minds and they would probably be heating up on something else.

Senator ASHURST. If that be true, perhaps a jury should be allowed a cooling period after hearing evidence in a criminal case.

Mr. COOKE. Yes; they might be sent home for a year to cool off.

While we can not, perhaps, be guided by English customs and precedents for this country, it is none the less fair to take their experience as illuminating. They have no objection to going into a general election and then bringing their members to Westminster without any delay. And they have their bitter contests as well as we. They have just had an election, which was very warmly contested, indeed. I think they have never had any difficulty by way of any radical action because of the immediate meeting of a new Parliament.

Certainly we can trust the mass of our citizenry to send men to Senate and House who will be prepared to do their duty the day after election as well as five months after election.

If the American people take this amendment and ratify it, they will themselves be getting what they want in the way of prompt dispatch of public business by the Congress.

Without any criticism of the operations of the Congress over a period of years, I feel that it is fair to say, and that the statement would be fully understood, that the short session of the Congress is not a good institution. It has been a source of great criticism and it ought to be abandoned. We ought to have each of the two sessions of the Congress equally dignified, equally able to dispatch public business in a deliberate and fair fashion, in the way it should be dispatched. As matters stand now we are driven to the substitute of extra sessions of Congress to patch out, and we are practically losing one year.

It is not necessary to comment on the attitude of any individual Member of House or Senate who may find himself in the short session a Member of Congress defeated at the polls. It is possible that some men, finding themselves in the Congress in that position, are at least indifferent.

There is but one other thing I have to add, but because I live in the District of Columbia I have had my attention drawn to it particularly. There has been discussion from time to time in the city of Washington as to the propriety of changing the date of the inauguration on account of the inclemency of the weather on March 4 for a period of many years. I do not think that should concern the Congress at all in submitting this amendment. Slush on the streets in Washington one day in four years certainly ought not to affect public business forever. I think that idea should be discarded completely as having no bearing upon this great and fundamental question of the legislative system for the Nation.

If it should be decided to inaugurate the President in January, I think they would find just as crisp and sparkling weather in Washington as in May. At any rate, it is not a matter of any great importance. The great and vital thing is that the people of the country would welcome and hurriedly indorse a change in the system which would allow their balloting at the polls promptly to be recorded in the presence of the men they elect in Congress.

I will add, Senator BRANDEGEE, on the date of making the amendment effective, this statement: Of course, when the eighteenth amendment was submitted it was provided that it should become operative one year after ratification by three-fourths of the States. I do not question that when the committee comes to deal with the precise point in this proposed amendment a similar provision to that incorporated in the eighteenth amendment might be employed which would accomplish precisely the purpose the committee would wish the resolution to have.

And I might add that the Supreme Court of the United States scanned that provision with great care and decided it was strictly proper. And, as Senator PEPPER says, it becomes a part of the Constitution and is effective as such, but speaking intrinsically in its own terms it becomes operative at a date so provided.

The CHAIRMAN. Senator PEPPER, are you interested in this question and will you give us the benefit of your views?

Senator PEPPER. Mr. Chairman and gentlemen of the subcommittee, I am interested in this question, but everything I had to say has been better said by those who preceded me. Mr. Cooke, I think, has summed the case up admirably, and I will not attempt to spoil the case by adding anything to what he has said.

The CHAIRMAN. Does anyone else wish to be heard?

STATEMENT OF MR. EDGAR WALLACE, LEGISLATIVE REPRESENTATIVE, AMERICAN FEDERATION OF LABOR, WASHINGTON, D. C.

Mr. WALLACE. Mr. Chairman and gentlemen of the committee, I want to say that the executive council has taken cognizance of this resolution and favor the principles of it. We recognize that there may be some difference of opinion as to the language, but we are confident that you gentlemen can fix that to the best advantage.

We favor the principle because we believe immediate steps ought to be taken to make the change that seems to be the unanimous wish of everyone I have spoken to, in all walks of life.

Probably at the time the Constitution was written it was necessary to allow the long time to elapse between election and actual entry upon the duties of the office, as provided in the Constitution. That was the time of the stage coach, and when it was only possible to transmit ideas by word of mouth or by handwriting. It was a slow and laborious method of doing business, and it was necessary, no doubt, to have a considerable time elapse.

But that day and generation has passed. It is the opinion of the American Federation of Labor that immediate steps ought to be taken to submit this very desirable amendment to the States.

I believe that is about all I have to say.

The CHAIRMAN. Does anyone else desire to be heard? [After a pause.] If not, the hearing will be considered as closed and the subcommittee will adjourn.

MEMORANDUM IN REGARD TO A CONSTITUTIONAL AMENDMENT SHORTENING THE TIME WHICH ELAPSES BETWEEN THE ELECTION AND THE INAUGURATION OF THE PRESIDENT OF THE UNITED STATES AND ABOLISHING THE SHORT SESSION OF THE OLD CONGRESS, PREPARED FOR SUBMISSION TO THE SUBCOMMITTEE OF THE COMMITTEE ON THE JUDICIARY OF THE SENATE.

The American Bar Association is a conservative body whose members love and reverence the Constitution and are reluctant to change it.

They were led to consider this change because the present Constitution seemed to them to contain a weakness and a source of danger which might not be generally obvious, and that it was the duty of the association as lawyers to call this danger to the attention of the President and Congress in order that it might be dealt with calmly and in a nonpartisan spirit by the friends of the Constitution.

It seems better to us to have the Constitution amended carefully by skillful hands rather than to run the risk of its being found wanting at some critical time and subjected to unfriendly attack and perhaps mutilation. In 1917, therefore, the bar association appointed a special committee to consider this question. During the war the committee was not very active, but in 1919 and 1920 they reported favorably to the change and their reports were approved by the association. In 1921 at the request of the committee the association passed the following resolution:

"Whereas the association at its last meeting passed a resolution favoring such action as would lead to the dates of the election and of the inauguration of the President of the United States being brought nearer together and to the abandonment of the short session of the old Congress; and

"Whereas it is deemed desirable to express further the sense of this association that as far as practicable there should be the shortest possible interval between the mandate of power and the assumption of responsibility thereunder: Now, therefore, be it

"*Resolved*, That it is desirable—

"1. That Congress should come into being immediately upon its election and that the ensuing session of Congress should be a session of the new Congress and not of the old one.

"2. That the electors should meet at the earliest practicable date to cast their votes for President and Vice President.

"3. That the Congress should meet at the earliest practicable date to count the votes for President and Vice President.

"4. That the President and Vice President should be inaugurated thereafter without any unnecessary lapse of time." (Reports of American Bar Association, Vol. XLVI, 1921, p. 76.)

It is reasonably clear that the framers of the Constitution intended the new Congress and not the old one to assemble in December after they were elected. Throughout the debate on this particular clause of the Constitution which will be found in II Farrand's Constitutional Convention, pages 194 to 200, this intention is shown. For example, a suggestion was made that May instead of December should be the date of the assembling of Congress in order that the latest advices from Europe might be at hand, but this suggestion was defeated on the argument of Mr. Randolph that "the time—the States' elections—with which the elections of the national Representatives would no doubt be made to coincide, would suit better with December than May." (II Farrand, p. 200.) If it had been the old Congress who were to assemble the exact times when they were to be elected would have been immaterial. The fact that December was chosen as the date for the convening of Congress because the time suited better with the time of the election shows not only that it was intended that it should be the new Congress which assembled in December but that the

framers believed in having the new Congress assemble reasonably soon after it was elected.

The date on which the new Constitution should go into effect was not fixed by the Constitutional Convention because it was dependent on the action of the States in ratifying the Constitution. The date was fixed by the old Continental Congress, and they fixed the first Wednesday in March, 1789, which happened to be the 4th of March, as the time for commencing proceedings under the new Constitution. (Journal of Congress, vol. 13, p. 141, and also H. R. 121, p. 5, 61st Cong., 2d sess.)

A quorum of Congress was not present on March 4 and did not arrive until April 6, 1789, on which date the votes were counted by the new Congress and Washington and Adams were declared elected President and Vice President, respectively, and Washington was inaugurated President on April 30, 1789. Toward the close of Washington's first administration Congress passed an act declaring (sec. 12) "that the term of four years for which a President and Vice President shall be elected shall in all cases commence on the 4th day of March next succeeding the day on which the votes of the electors shall have been given." (Act of March 1, 1798, I Stat. L. p. 239 et seq.)

As Washington and Adams took their oaths of office on April 30, 1789, this act shortened their terms by nearly two months. The act, however, was never called in question.

In this curious way it came about that in the case of the first election of Washington it was the newly elected Congress which counted the votes but that thereafter it was always the old Congress which counted the votes for President.

This was brought about by shortening the terms of Washington and Adams without correspondingly shortening the terms of the Congressmen elected during the same year.

All the committees of the bar association who have considered this matter have been of the opinion that it would not be wise to try to shorten the terms of the President, Vice President, or Congressmen without a constitutional amendment. The constitutional amendment is, however, of an administrative character and would operate only on the terms of one President and Vice President and one set of Congressmen. The reasons which have led us to recommend this change are in general the same which would lead any business man or manufacturing corporation which had decided to change its general manager to make the change as promptly as possible. People holding office who know they have lost the confidence of their employer or constituents have necessarily lost a great part of their usefulness.

Now that the United States has come into close contact with other nations, situations frequently arise which require prompt and firm handling so that the danger from the present situation is becoming very great.

We firmly believe that if President Lincoln had been inaugurated in January instead of March the Civil War might have been avoided. Lincoln's kind and sagacious diplomacy and his trustworthy character would probably have so soothed the Virginia legislators that that State would never have seceded and that there would have been no war. With this terrible example in our history of the dangerous hazards that may attend the present interval between the election and the inauguration of the President, we feel that steps should be immediately taken to remedy the defect.

WILLIAM L. PUTNAM.
LEVI COOKE.

(Whereupon at 11 o'clock and 25 minutes a. m. the subcommittee adjourned.)

Mr. ASHURST. I would also include the illuminating paper and able speech of Mr. Putnam, of the Boston bar, but his statement and speech was so broken by interruptions that I do not feel justified in taking so much of the space of the RECORD.

Mr. President, the Constitution, Article II, section 1, ordains that the President and Vice President shall hold office for the term of four years, but does not provide when the terms shall commence. The only recognition of the 4th of March succeeding the day of a presidential election as the day of the commencement of the terms of the President and Vice President is the provision in the twelfth amendment to the Constitution, effective September 25, 1804, that—

if the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them before the 4th day of March next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President.

This would probably be construed to be a provision that the term of the President expired on the 4th of March after a presidential election—that a vacancy then exists—in which event the then Vice President succeeded to the office.

The time when the presidential electors should be elected, and the date on which they shall meet and give their vote is, by Article II, section 1, of the Constitution, left to the discretion of Congress, with the restriction that the day of voting shall be the same throughout the United States. An act was passed February 3, 1887, requiring them to meet and give their vote on the second Monday in January next after their appointment, in such place in each State as the legislature thereof shall direct; which vote, duly certified, to be delivered to the President of the Senate before the first Wednesday in February, and be canvassed by Congress, in joint session, on the second Wednesday in February thereafter.

The Constitution, while providing that Representatives shall hold their offices for two years (Art. I, sec. 2) and Senators for six years (Art. I, sec. 3), does not provide when the terms shall commence.

The commencement of the terms of the first President and Vice President, and of the Senators and Representatives composing the first Congress, was fixed by a resolution of Congress adopted September 13, 1788, providing "that the first Wednesday in March next—which happened to be the 4th day of March—be the time for commencing proceedings under the Constitution."

Congress has provided (act of Mar. 1, 1792, Rev. Stat., sec. 152) that the terms of the President and Vice President shall commerce on the 4th day of March next succeeding the day on which the votes of the electors have been given, but there seems to be no statutes enacted since the adoption of the Constitution fixing the commencement of the terms of Senators and Representatives.

The Constitution is proposed to be amended by the resolution as follows:

1. The terms of the President and Vice President, by the first section, are made to commence on the third Monday in January instead of the 4th day of March succeeding the election of electors.

The electors are required, by the second section, to meet and cast their vote on the second Monday in December succeeding their appointment; the vote to be filed with the President of the Senate before the first Monday in January thereafter, and the Congress to meet, in joint session, to open and count the same on the second Monday in January succeeding. The Congress, however, is authorized to change these dates.

The provisions of this section are entirely new, the present Constitution having left these matters entirely to the discretion of Congress, and are for the purpose of preventing confusion in putting the first section into effect.

3. The terms of Senators and Representatives are, by a third section, made to commence on the first Monday in January following their election.

This provision is new, and although there is no provision in the present Constitution fixing when the terms of Senators and Representatives shall commence, yet those providing that their terms shall be six and two years entitle those now in office and hereafter to be elected to hold for two years after the 4th of March succeeding their election, the day when the first Senators and Representatives were qualified under the Constitution, and their terms can not be changed without a constitutional provision.

4. The fourth section merely changes the second paragraph of section 4 of Article I of the Constitution, in effect, so as to provide that Congress shall meet each year, commencing on the first Monday of January instead of the first Monday in December.

5. The provisions of section 5 are temporary, and for the purpose merely of putting into effect the material provisions by shortening the terms of the President and Vice President, and Senators and Representatives, to the extent of the periods between the dates fixed by the resolution for the commencement of the terms of these officers hereafter, and the 4th of March succeeding said dates.

Under the present law Congress does not convene in regular session until 13 months after the election of its Members. There was some reason for such a provision at the time of the formation of our Government, as it then took a long time to ascertain the results of elections and to reach the Capitol from remote parts of the country. But there is no excuse whatever now, since the most distant States of the Union are within a few days' travel of Washington.

Senators heretofore have been elected by the legislatures of the States in January, and sometimes not until February or March. But since the adoption of the seventeenth amendment to the Constitution, by which Senators are to be elected by the people, probably at the November election, it becomes opportune for Congress to convene in January following. The convening of Congress on the first Monday of December, as at present, is inopportune, as adjournment for the Christmas holidays is always taken and many Members go to their homes, returning late, which precludes any real work until January.

The reasons for the adoption of the proposed amendment are these:

First. Congress should at the earliest practicable time enact—within the limits of the Constitution—the principles of the majority of the people, as expressed in the election of each Congress. That is why the Constitution requires the election of a new Congress every two years. If it be not to reflect the sentiment of the people these frequent elections have no meaning nor purpose. Any evasion of this is subversive of the fundamental principle of our Government, that the majority shall rule. No other nation has its legislative body convene so long after the expression of the people upon governmental questions.

During the campaign preceding a congressional election the great questions that divide the political parties are discussed

for the purpose of determining the policy of the Government and of having the sentiments of the majority crystalized into legislation. It seems to be trifling with the rights of the people when their mandates can not be obeyed within a reasonable time. It is unfair to an administration that the legislation which it thinks so essential to the prosperity of the country should be so long deferred. It is true an extraordinary session may be called early, but such sessions are limited generally to one or two subjects, which of necessity make for enormous waste of the time of each House, waiting for the other to consider and pass the measures.

Second. As the law is at the present time, the second regular session does not convene until after the election of the succeeding Congress. As an election often changes the political complexion of a Congress, under the present law many times we have the injustice of a Congress that has been disapproved by the people enacting laws for the people opposed to their last expression. Such a condition does violence to the rights of the majority. A Member of the House of Representatives can barely get started in his work until the time arrives for the nominating convention of his district. He has accomplished nothing, and hence has made no record upon which to go before his party or his people. This is an injustice both to the Members and to the people. The record of a Representative should be completed before he asks an indorsement of his course.

Third. Under the present system a contest over a seat in the House of Representatives is seldom, if ever, decided until more than half the term, and in many instances until a period of 22 months of the term has expired. For all that time the occupant of the seat draws the salary, and when his opponent is seated he also draws the salary for the full term; thus the Government pays for the representation from that district twice. But that is not the worst feature of the situation; during all of that time the district is being misrepresented, at least politically, in Congress.

By Congress meeting the first Monday in January succeeding the elections, contested-election cases can be disposed of at least during the first six months of the Congress.

Fourth. The President and Vice President should enter upon the performance of their duties as soon as the new Congress can count the electoral votes. The newly elected governors of the States are inducted into office as soon as the new legislatures of the States canvass the votes and declare their election. It is the old Congress which now counts the electoral votes. It is dangerous to permit the defeated party to retain control of the machinery by which such important officers are declared elected.

In the event that no candidate for President receives a majority of the electoral votes, the Constitution provides that the House of Representatives shall elect the President, each State having one vote. At the present time it is the old Congress that elects the President under such contingency, and thereby it becomes possible for a political party repudiated by the people to elect a President who was defeated at the election. Under the present provision of the Constitution, in the event the House fails to choose a President before the 4th of March, then the Vice President then in office becomes President for four years. This affords a temptation by mere delay to defeat the will of the people, and if it is ever exercised it will likely produce a revolution.

It is true that January weather might be inclement for an inaugural parade, but that is a reason too insignificant to constitute an argument against a constitutional amendment which promises so much for good government. Nearly all the governors of the States are inaugurated in January. The pomp and ceremony which usually attend the coronations of monarchs are at least not necessary to a republic.

But, Mr. President, even greater in importance than advancing the date for the inauguration of President and Vice President is our duty to submit a constitutional amendment so that the people themselves in some manner may have an opportunity to be heard upon the ratification of amendments.

Mr. President, in the Sixty-sixth Congress the Senator from Connecticut [Mr. BRANDEGEE] introduced a proposed amendment to the Constitution, as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That Article V of the Constitution of the United States is hereby amended to read as follows, to wit:

"ARTICLE V.

"The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or on the application of the legislatures of two-thirds of the several States shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution when ratified within six years from the date of their proposal by the legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, or by the electors in three-fourths thereof, as the mode of ratification may be proposed by the Congress: *Provided*, That no State, without its consent, shall be deprived of its equal suffrage in the Senate."

This amendment was reported favorably from the Senate Committee on the Judiciary.

We have had 19 amendments to the Federal Constitution. I will consider the first 10 amendments as a part and parcel of the original Constitution, because when the Constitution was ratified it was upon the implied, in some cases express, understanding that these Bill of Rights amendments would be adopted. They were proposed and submitted by the First Congress on the 15th of September, 1789. They were 12 in number. The third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, and twelfth were ratified by the required number of States within exactly two years and three months. But No. 1 and No. 2 are still pending, and on the 15th day of next September will have been pending 134 years.

Congress, in submitting the prohibition amendment, laid a limit upon the time within which the States could ratify.

Amendments have been brought about by "amendment epochs." The eleventh and twelfth amendments were adopted in the 10-year period between 1794 and 1804, the twelfth having been brought about by the unfortunate tie in the Electoral College between Thomas Jefferson and Aaron Burr. Call that the first amendment epoch. Then, notwithstanding the fact that many scores of amendments were introduced in Congress and two were proposed between 1804 and 1864, no amendment was adopted; thus there was a 60-year period of immobility with respect to amending our Federal Constitution.

Then came the second amendment epoch, which began in 1865 and lasted until 1875. In that 10-year period the thirteenth, fourteenth, and fifteenth amendments were proposed and adopted.

Then came nearly 40 years of immobility, and then came the sixteenth, seventeenth, eighteenth, and nineteenth amendments—the third amendment epoch, 1909 to 1923—showing that these amendments move in cycles.

The Federal Constitution conserves and protects all that real Americans hold precious; it should not be changed by legislative caucus.

There is not a State in the Federal Union whose constitution may be amended by the State legislature. The State of Delaware is an apparent but not a real exception, as Delaware requires that an amendment to the State constitution must be proposed by at least two-thirds of one legislature, then there must be notice to the electors for a certain period before the next election, so that if they desire they can express their will at the polls upon the proposition, then the amendment must be ratified by a second legislature by a two-thirds vote, which gives them an indirect vote. The various State constitutions may be amended only by the electorate of the State. How utterly archaic, therefore, it is to deny the electorate an opportunity to express itself upon the proposed change in our fundamental law.

If the consent of the voters be required to alter and amend a State constitution, a fortiori, the vote of the people should be required to change the Federal Constitution.

It is vital to our American system that the voter should have an opportunity to say at the ballot box under what form of government he desires to live.

If you are not willing that the State legislatures should choose United States Senators, for a much stronger reason the State legislatures should not change your fundamental law.

Every argument in favor of the election of Senators by a direct vote of the people is a stronger argument in favor of consulting the people on constitutional amendments.

I favored the amendments providing for the income tax, direct election of Senators, prohibition, and woman suffrage. I believe they were wise amendments, and that they were in response to the deliberate judgment and progressive thought of a vast majority of our countrymen; indeed, I believe those amendments were demanded by the people and were not forced upon the people. My belief, unfortunately, does not settle the question; for the stubborn fact exists that millions of our countrymen thoroughly believe that the prohibition and woman-suffrage amendments were adopted by cunning, by craftiness and indirection, and that the Congress and the State legislatures were either browbeaten into voting for the amendments or were induced to do so by an insidious lobby. It is my opinion that if a referendum to the people on the prohibition and woman-suffrage amendments could have been had, each amendment would have been adopted and ratified by the electors. We should, therefore, take the requisite steps to preclude in the future a recurrence of such discontent and

suspicion by providing a means by which the electors of each State may pass upon amendments to the Federal Constitution.

Mr. President, there are 435 Members of the House of Representatives and 96 Members of the Senate, in all 531. I ask unanimous consent to include in the RECORD, as a part of my remarks, a statement showing the number of State senators, number of members of the house or assembly, as the case may be, in the State legislatures.

There being no objection, the statement was ordered to be printed in the RECORD as follows:

Number of members in State legislatures according to the year 1919.

State.	Senate.	House or assembly.
Alabama	35	106
Arizona	19	35
Arkansas	35	100
California	40	80
Colorado	35	60
Connecticut	35	258
Delaware	17	35
Florida	32	75
Georgia	44	189
Idaho	37	65
Illinois	51	152
Indiana	50	100
Iowa	50	108
Kansas	40	125
Kentucky	38	100
Louisiana	41	115
Maine	31	151
Maryland	27	102
Massachusetts	40	240
Michigan	32	100
Minnesota	67	130
Mississippi	49	133
Missouri	34	142
Montana	41	95
Nebraska	33	100
Nevada	17	37
New Hampshire	24	404
New Jersey	21	60
New Mexico	24	49
New York	51	150
North Carolina	50	120
North Dakota	49	113
Ohio	36	128
Oklahoma	44	111
Oregon	30	60
Pennsylvania	50	207
Rhode Island	39	100
South Carolina	44	124
South Dakota	45	103
Tennessee	33	99
Texas	31	142
Utah	18	46
Vermont	30	246
Virginia	40	100
Washington	41	97
West Virginia	30	94
Wisconsin	33	100
Wyoming	27	57
	1,760	5,643

Members of senate	1,760
Members of houses of assembly	5,643
Total	7,403

So we have a total of 7,403 members of the State legislatures, according to the figures for the year 1919—not two-thirds but a bare majority of that 7,400 men—may pass upon an amendment to the Constitution.

We find ourselves in this posture: Two-thirds of the Congress and a majority of the 7,400, or about 4,500 men, pass upon the destiny of the most advanced people that ever lived in the tide of times. We set ourselves up as the leader among the nations in thought and as responsive to the people's will, and yet 4,500 men, if they saw fit, could Prussianize the Republic.

It is startling to investigate and then reflect upon the perils that have come and that in the future may come by a continued failure to set a time limit within which a proposed amendment may be ratified.

Four different amendments duly proposed by the Congress are now pending before the States for their action. These amendments are as follows:

One, proposed September 15, 1789, 134 years ago, relating to enumeration and representation:

ARTICLE I. After the first enumeration required by the first article of the Constitution there shall be one Representative for every 30,000 until the number shall amount to 100, after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives, nor less than 1 Representative for every 40,000 persons, until the number of Representatives shall amount to 200, after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives nor more than 1 Representative for every 50,000 persons.

Another, proposed September 15, 1789, 134 years ago, relating to compensation of Members of Congress:

ART. II. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

Another, proposed May 1, 1810, 113 years ago, to prohibit citizens of the United States from accepting presents, pensions, or titles from princes or from foreign powers:

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States, and shall be incapable of holding any office of trust or profit under them, or either of them.

Another, proposed March 2, 1861, 62 years ago, known as the Corwin amendment, prohibiting Congress from interfering with slavery within the States:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat. 251.)

On September 15, 1789, 12 constitutional amendments were proposed by the First Congress. The requisite number of States ratified proposed articles numbered 3, 4, 5, 6, 7, 8, 9, 10, 11, and 12 within exactly two years and three months, whilst Nos. 1 and 2, although proposed 134 years ago, have not, according to the latest available returns, received favorable action by the requisite number of States and are yet before the American people, or the States, rather, have been for 134 years, and are now subject to ratification or rejection by the States. After those two proposed amendments, to wit, Nos. 1 and 2, had been in nubilous—"in the clouds"—for 84 years, the Ohio State Senate in 1873, in response to a tide of indignation that swept over the land in opposition to the so-called "back-salary grab," resurrected proposed amendment No. 2 and passed a resolution of ratification through the State senate. No criticism can be visited upon the Ohio Legislature that attempted to ratify the amendment proposed in 1789, and if the amendment had been freshly proposed by Congress at the time of the "back-salary grab," instead of having been drawn forth from musty tomes, where it had so long lain idle, stale, and dormant, other States doubtless would have ratified it during the period from 1873 to 1881.

Thus it would seem that a period of 134 years, or 84 years, within which a State may act is altogether too long, and I will support a proposition limiting the time to 6, 8, or 10 years within which a State may act under a particular submission, so that we will not hand down to posterity a conglomerate mass of amendments floating around in a cloudy, nebulous haze, which a State here may resurrect and ratify, and a State there may galvanize and ratify.

We ought to have homogeneous, steady, united exertion, and certainly we should have contemporaneous action with reference to these various proposed amendments. Judgment on the case should be rendered within the ordinary lifetime of those interested in bringing about the change in our fundamental law. Final action should be had while the discussions and arguments are within the remembrance of those who are called upon to act.

There is still another reason why a time limit should be set: When the 12 amendments were submitted in 1789 there were only 13 States. Vermont had not been admitted, if I remember correctly.

Question: Should three-fourths of the States then in the Union or three-fourths of those now in the Union be the test as to what shall be the number required for ratification?

The amendment proposed on May 1, 1810, was submitted to the States under interesting and peculiar auspices and was as follows:

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them, or either of them.

What was the reason for that proposed amendment? It is probable that the Congress which submitted the amendment believed that when officials accept presents of great value they dissolve the pearl of independence in the vinegar of obligation.

Unfortunately, the annals of Congress and contemporary newspapers do not give any of the debate upon this interesting proposition. The only light thrown upon the subject by the annals is the remark of Mr. Macon, who said "he considered the vote on this question as deciding whether or not we were to have members of the Legion of Honor in this country."

What event connected with our diplomatic or political history suggested the need of such an amendment is not now apparent, but it is possible that the presence of Jerome Bonaparte in this country a few years previous, and his marriage to a Maryland lady, may have suggested this measure.

An article in Niles's Register (vol. 72, p. 166), written many years after this event, refers to an amendment having been adopted to prevent any but native-born citizens from being President of the United States. This is, of course, a mistake, as the Constitution in its original form contained such a provision; but it may be possible that the circumstances referred to by the writer in Niles relate to the passage of this amendment through Congress in regard to titles of nobility. The article referred to maintains that at the time Jerome Bonaparte was in this country the Federalist Party, as a political trick, affecting to apprehend that Jerome might find his way to the Presidency through "French influence," proposed the amendment. The Federalists thought the Democratic Party would oppose it as unnecessary, which would thus appear to the public as a further proof of their subserviency to French influence. The Democrats, to avoid this imputation, concluded to carry the amendment. "It can do no harm" was what reconciled it to all.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

Mr. ASHURST. I yield.

Mr. CARAWAY. Even in those days there were some "four-flushers."

Mr. ASHURST. I recognize the term; I know the nomenclature whence it comes, and "four-flushers" I think there were at that time.

That amendment was submitted 113 years ago, and it was ratified within two years by Maryland, Kentucky, Ohio, Delaware, Pennsylvania, New Jersey, Vermont, Tennessee, Georgia, North Carolina, Massachusetts, and New Hampshire. It was rejected by two or three of the States. At one period of our national life the school-book histories and the public men stated that it was a part of our organic law, because in the early days of our Government the Secretary of State did not send messages to Congress announcing ratification or promulgate to the public any notice whatever as to when an amendment became a part of the Constitution. I have caused the journals, records, and files in the Department of State to be searched, and there may not be found any notice of any proclamation or promulgation of the ratification of the first 10 amendments to the Constitution. The States assumed—it was not an unwarranted or violent assumption—that when the requisite number of States had ratified an amendment it was then and there a part of our organic law.

When the War between the States began to throw its shadow over the land, men rushed here and there with a compromise to heal the breach, if possible, and tried to avert the shock that was apparently about to come to our governmental structure.

Expedient after expedient was proposed, and just before the adjournment of Congress—to wit, on March 2, 1861—the following amendment, known as the Corwin amendment, to the Constitution of the United States was proposed to the States, and it read as follows:

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat. 251.) Proposed by Congress March 2, 1861.

That amendment was proposed by Congress on the 2d of March, 1861, and I warrant there are not 5,000 people in the United States to-day who know that such an amendment is now pending before the various States of the Union for their ratification. The amendment was ratified by the State of Ohio and by the State of Maryland through their legislatures and by the State of Illinois in 1862 by a convention.

Thus we perceive that a system which permits of no limitation as to the time when an amendment may not be voted upon by the State is not fair to posterity nor to the present generation. It keeps historians, publishers, and annalists, as well as the general public, constantly in doubt.

Having searched closely as to whether there is in the Constitution itself any expressed or implied limitation as to when an amendment may not be adopted, I am driven irresistibly to the conclusion that an amendment to the Constitution, once having been duly proposed, although proposed September 15, 1789, could not be recalled even by the unanimous vote of both Houses, if the Congress wished the same recalled, because the power to submit an amendment is specifically pointed out; but no power is given to recall it, and silence is negation.

I am not without authority on this subject, and I shall include in the RECORD some data I have collected on this subject.

Mr. CARAWAY. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER (Mr. MOSES in the chair). Does the Senator from Arizona yield to the Senator from Arkansas?

Mr. ASHURST. I do.

Mr. CARAWAY. While the Senator is discussing that subject, does he recall the rather interesting decision of the court that a State that refuses to ratify may afterwards ratify, but a State that has once ratified can not recede?

Mr. ASHURST. Yes. I will discuss that.

Mr. CARAWAY. All right.

Mr. ASHURST. Of course, I am only giving my own opinion now; but I am of opinion that a State which rejects a proposed amendment may, of course, at any time thereafter ratify the same, and that a State which adopts or ratifies a proposed amendment may withdraw its ratification, provided it withdraws such ratification before the required number of States shall have ratified. That is to say, if 36 States are necessary to a ratification, and State A ratifies and becomes the thirty-sixth to do so, manifestly it can not thereafter withdraw its ratification; but if the 36 States were necessary, and State A were the thirty-fifth or the twentieth State to ratify, it could withdraw that ratification when its withdrawal would not be determinative of the result.

As a little thumb-nail sketch, as a vignette of many things that took place with reference to the fifteenth amendment, let me read now from a statement that was read to the Committee on the Judiciary by Mr. Caperton Braxton, of Staunton, Va. I can not read it all; it would be too long; but it is an interesting paper, and Senators will find their time well repaid to read it all.

THE FIFTEENTH AMENDMENT—AN ACCOUNT OF ITS ENACTMENT.

[By A. Caperton Braxton, of Staunton, Va.]

"If the passage of this amendment through Congress was unseemly, its ratification by the State legislature was, in several instances, at least, nothing short of scandalous.

"The amendment passed the Senate rather late Friday night, February 26, 1869. The next morning, as soon as the enrolled resolution was signed by the Presiding Officer, it was telegraphed by Congressman Sydney Clarke to the Legislature of Kansas, then on the point of adjournment. His telegram, entirely unofficial, was received by the legislature during its afternoon session, and that very evening, in less than 24 hours after the amendment had passed Congress, long before it had been certified to the States for action, and before anyone in Kansas had even seen it (other than Clarke's telegraphic copy), the legislature of that State ratified it. The people of Kansas, at the polls about a year previous, had voted against negro suffrage by a majority of 2 to 1.

"Senator Stewart, of Nevada, was, if anything, more anxious than Congressman Clarke, of Kansas, to obtain action by existing legislatures before the people could make themselves heard. The State of Nevada had very recently adopted a constitution which restricted suffrage to 'white' men. The people of that State, like those of California and Oregon, were overwhelmingly opposed to an extension of the elective franchise to any but white men—not so much for fear of the negro as of the Chinese vote. It was generally conceded among the radical press that Nevada would certainly reject the amendment, but they underrated the resources of their own generals. Late Friday night, as soon as the Presiding Officer had announced that 39 votes was two-thirds of a Senate of 66 Members, Senator Stewart, impressed with the fact just stated by him to the Senate that the legislatures were waiting to ratify the amendment, and that if it was not done by them, and at once, the whole thing would be lost, caused the Secretary of the Senate, without even waiting for the resolution to be enrolled or signed, to telegraph it to the Legislatures of Nevada and Louisiana, to which telegrams he and three others added a message urging the immediate ratification by the legislatures.

"This remarkable dispatch did not reach Nevada till the next morning, Saturday, when the legislature at once endeavored to comply with its instructions, but they were not quite so docile as in Kansas, and did not succeed until Monday morning, March 1, 1869, when they ratified the amendment against a strong written protest of the minority, including Republicans and Democrats. This protest insisted, among other things, that the amendment had not received the constitutional two-thirds majority in the Federal Senate; that the Legislature of Nevada had as yet no official knowledge of the proposed amendment (the telegraphic report of it being, as it afterwards transpired, materially incorrect); that the people of Nevada should be given an opportunity to be heard upon it, and that the people, by voting the Republican ticket for President, had just within a few months past ratified the declaration of the Republican platform of May, 1868, that the control by loyal States of their

suffrage laws should not be interfered with. But all this was as baying at the moon, and Nevada was recorded as the second State ratifying the fifteenth amendment.

"The records of the Legislature of Missouri fail to show how that body was informed of the passage of the fifteenth amendment in Congress; the newspapers of the day said some one heard of it by telegram. This was enough; accordingly, that legislature, early Monday morning, March 1, 1869, suspended their rules and ratified what they thought was the amendment, but it turned out, after they had adjourned, that the thing they ratified was not the amendment at all and so they had to ratify all over again when they next assembled.

Mr. OVERMAN. The Senator will put that in the RECORD. It is in our hearings.

Mr. ASHURST. It is so long that I hesitate to include the entire article in the RECORD. It is, as I say, from a statement made by Mr. Caperton Braxton, of Staunton, Va., respecting the fifteenth amendment.

Mr. CARAWAY. Mr. President, is the Senator going to discuss also the fact that some of the States that ratified the fifteenth amendment were required to do so before they were permitted to be States?

Mr. ASHURST. I am not so familiar with that as the Senator probably is, and I had not intended to discuss it.

Mr. CARAWAY. A State, being declared out of the Union, was told that it could get back only by ratifying the amendment, which it had to do as a State when it was not a State.

Mr. ASHURST. That is true.

Mr. CARAWAY. It is interesting in this connection.

Mr. ASHURST. It has been stated that the inclemency of the weather on the third Monday of January is such that it would not make an inauguration a pleasant function. It so happens that I have caused the records to be examined, and find that the third Monday of January is usually more pleasant than the 4th of March.

Mr. CARAWAY. Mr. President, I rather imagine the people would be willing to ratify a new President now in any kind of weather.

Mr. ASHURST. I almost despair of securing at this session of the Congress the submission of this amendment which I have introduced. Animadversions have been made upon the present system of permitting hold-over or lame-duck Members of Congress to make laws. As to that feature of the argument, on this side there are some members going out of the Senate whom we all ardently wish were going to continue here. Those on this side who leave us on the 4th of March may have successors, but their places will not easily be filled.

I am, however, encouraged by the thought that the circumstance which led to the formation of the Federal Constitution was the debility of the Continental Congress. There is no American but who thrills when he reads of the Continental Congress. After the Revolutionary War was over, that inept Continental Congress proved even more inept and inefficient, and as time went on that ineptitude progressively increased, and that was what in some measure caused the formation of the Federal Constitution.

The last thing, and surely one of the great things which the Continental Congress did, was performed by lame-duck Members of the Continental Congress. They adopted and passed the Ordinance of 1787, setting up the machinery whereby we now have five great States as monuments to the liberality and generosity of Virginia, and the General Government as a whole, and the bringing of those five States into being proved to be the action which I believe was the last important act of the Continental Congress.

So it is here to-day. Those Members who, through the mutations of politics or because they have constituencies, such as Aristides had, are about to leave us, could do no more worthy thing, could do no greater thing for their country and for their Government, than to help us submit the amendment which will provide that in the case of all amendments hereafter submitted the people shall be consulted, that there shall be a vote of the people in each State, and that in respect to the election of President and Senators and Representatives, as soon as may be with decency and with propriety the newly elected official shall be inaugurated to take up the burden and to begin the work of the people.

I hope that those who on the 4th of March will leave us, as we in our turn on some 4th of March shall also leave here, will become profoundly impressed with the importance of rendering this most signal service to this Republic, by helping us to submit these amendments I have outlined.

I ask unanimous consent to insert in the RECORD some data respecting the ratification of the various amendments to the Constitution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

DISCUSSION OF CONSTITUTIONAL QUESTIONS INVOLVED.

(Jameson.)

SEC. 585. VI. Two further questions may be considered: (1) When Congress has submitted amendments to the States, can it recall them? and (2) How long are amendments thus submitted open to adoption or rejection by the States?

1. The first question must, we think, receive a negative answer. When Congress has submitted amendments at the time deemed by itself or its constituents desirable to concede to that body the power of afterwards recalling them would be to give to it that of definitely rejecting such amendments, since the recall would withdraw them from the consideration of the States and thus render their adoption impossible. However this may be, it is enough to justify a negative answer to say that the Federal Constitution, from which alone Congress derives its power to submit amendments to the States, does not provide for recalling them upon any event or condition, and that the power to recall *can not be* considered as involved in that to submit as necessary to its complete execution. It therefore can not exist.

2. The same consideration will perhaps furnish the answer to the second question. The Constitution gives to Congress the power to submit amendments to the States; that is, either to the State legislatures or to conventions called by the States for this purpose, but there it stops. No power is granted to prescribe conditions as to the time within which the amendments are to be ratified, and hence to do so would be to transcend the power given. The practice of Congress in such cases has always conformed to the implied limitations of the Constitution. It has contented itself with proposing amendments to be come valid as parts of the Constitution according to the terms of that instrument. It is therefore possible, though hardly probable, that an amendment once proposed is always open to adoption by the nonacting or nonratifying States.

The better opinion would seem to be that an alteration of the Constitution proposed to-day has relation to the sentiment and the felt needs of to-day, and that, if not ratified early, while that sentiment may fairly be supposed to exist, it ought to be regarded as waived and not again to be voted upon unless a second time proposed by Congress.

SEC. 586. In discussing the question of the right of the States to vote upon proposed amendments at any time after the date of their proposal it is proper to look into the consequences of such a right. If they have the right, there are now floating about us as it were in nebulous several amendments to the Constitution proposed by Congress which have received the ratification of one or more States but not of enough to make them valid as parts of that instrument. Congress could not withdraw them, and there is in force in regard to them no recognized statute of limitations. Unless abrogated by amendments subsequently adopted they are, on the hypothesis stated, still before the American people to be adopted or rejected.

In 1873 the Senate of Ohio, acting upon the theory that once proposed an amendment to the Constitution is always open to ratification, adopted a joint resolution ratifying the second of the 12 amendments submitted to the States by Congress in 1789, but then rejected, providing that "no law varying the compensation of Members of Congress shall take effect until an election for Representatives shall have intervened." This resolution, prepared by Madison, was an excellent one; but suppose it had been unjust, proposed, perhaps, in the interest of a section or of a party, and, failing at the time to receive the requisite majority, it had subsequently by a concerted rally of those interested in its adoption been carried without discussion or a clear expression of the existing public will; is that a true construction of the Constitution which may be followed by so dangerous consequences? And supposing the right referred to exists, by what majority shall the resurrected amendments be adopted? If proposed in 1789, when the States numbered but 13 and when a majority of 10 States might have ratified the amendment, how many would have been requisite in 1873, when there were 38 States which would have been called upon to vote? If the answer should be that 29 States must have voted to ratify, since that number was three-fourths of all the States in 1873, however reasonable such an answer might seem, it would be founded upon no statute or custom of the country, and therefore different opinions as to its reasonableness might well be entertained. Hence the danger of confusion or conflict. We discuss this question here merely to emphasize the dangers involved in the Constitution as it stands and to show the necessity of legislation to make certain those points upon which doubts may arise in the employment of the constitutional process for amending the fundamental law of the Nation. A constitutional statute of limitation prescribing the time within which proposed amendments shall be adopted or be treated as waived ought by all means to be passed. (Jameson, John A. A treatise on constitutional conventions (4th ed., 1887), pp. 634–636.)

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AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES PROPOSED BY CONGRESS BUT NOT RATIFIED BY THREE-FOURTHS OF THE STATES, COLLATED BY SENATOR ASHURST.

APPORTIONMENT OF REPRESENTATIVES.

After the first enumeration required by the first article of the Constitution, there shall be one Representative for every 30,000 until the number shall amount to 100; after which the proportion shall be so regulated by Congress that there shall be not less than 100 Representatives nor less than 1 Representative for every 40,000 persons, until the number of Representatives shall amount to 200; after which the proportion shall be so regulated by Congress that there shall not be less than 200 Representatives nor more than 1 Representative for every 50,000 persons. (1 Stat. 97.) (Submitted at the same time as those which became part of the Constitution as amendments 1 to 10.)

Proposed by Congress September 15, 1789.

Ratified by the following States:

New Jersey, November 20, 1789. (Senate Journal, p. 199, 1st Cong., 2d sess.)

Maryland, December 19, 1789. (Senate Journal, p. 106, 1st Cong., 2d sess.)

North Carolina, December 22, 1789. (Senate Journal, p. 103, 1st Cong., 2d sess.)

South Carolina, January 19, 1790. (Senate Journal, p. 50, 1st Cong., 2d sess.)

New Hampshire, January 25, 1790. (Senate Journal, p. 105, 1st Cong., 2d sess.)

New York, March 27, 1790. (Senate Journal, p. 53, 1st Cong., 2d sess.)
Rhode Island, June 15, 1790. (Senate Journal, p. 110, 1st Cong., 2d sess.)
Virginia, October 25, 1791. (Senate Journal, p. 30, 2d Cong., 1st sess.)
Pennsylvania, September 21, 1791. (Senate Journal, p. 11, 2d Cong., 1st sess.)
Vermont, November 3, 1791. (Senate Journal, p. 98, 2d Cong., 1st sess.)
Pennsylvania had first rejected the proposed amendment March 10, 1790.
Rejected by Delaware January 28, 1790.
The Journals give no record of the action of the Legislatures of Massachusetts, Connecticut, and Georgia.

COMPENSATION OF MEMBERS OF CONGRESS.

No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened. (1 Stat. 97.) (Submitted at the same time as those which became part of the Constitution as amendments 1 to 10:)
Proposed by Congress September 15, 1789.
Ratified by Congress September 15, 1789.
Maryland, December 19, 1789. (Senate Journal, p. 106, 1st Cong., 2d sess.)
North Carolina, December 22, 1789. (Senate Journal, p. 103, 1st Cong., 2d sess.)
South Carolina, January 19, 1790. (Senate Journal, p. 50, 1st Cong., 2d sess.)
Delaware, January 28, 1790. (Senate Journal, p. 35, 1st Cong., 2d sess.)
Vermont, November 3, 1791. (Senate Journal, p. 98, 2d Cong., 1st sess.)
Virginia, December 15, 1791. Senate Journal, p. 69, 2d Cong., 1st sess.)
Rejected by New Jersey, November 20, 1789 (Senate Journal, p. 199, 1st Cong., 2d sess.); New Hampshire, January 25, 1790 (Senate Journal, p. 105, 1st Cong., 2d sess.); Pennsylvania, March 10, 1790 (Senate Journal, p. 39, 1st Cong., 2d sess.); New York, March 27, 1790 (Senate Journal, p. 53, 1st Cong., 2d sess.); Rhode Island, June 15, 1790 (Senate Journal, p. 110, 1st Cong., 2d sess.).
The Journals give no record of the action of the Legislatures of Massachusetts, Connecticut, and Georgia.

TITLES OF NOBILITY.

If any citizen of the United States shall accept, claim, receive, or retain any title of nobility or honor, or shall, without the consent of Congress, accept and retain any present, pension, office, or emolument of any kind whatever, from any emperor, king, prince, or foreign power, such person shall cease to be a citizen of the United States and shall be incapable of holding any office of trust or profit under them or either of them. (2 Stat. 613.)
Proposed by Congress May 1, 1810.
Ratified by the following States:
Maryland, December 25, 1810.
Kentucky, January 31, 1811.
Ohio, January 31, 1811.
Delaware, February 2, 1811.
Pennsylvania, February 6, 1811.
New Jersey, February 13, 1811.
Vermont, October 24, 1811.
Tennessee, November 21, 1811.
Georgia, December 13, 1811.
North Carolina, December 23, 1811.
Massachusetts, February 27, 1812.
New Hampshire, December 10, 1812.
Rejected by New York (senate) March 12, 1811; Connecticut, May session, 1813; South Carolina, approved by senate November 28, 1811, reported unfavorably in house and not further considered December 7, 1813; Rhode Island, September 15, 1814.

AMENDMENT ABOLISHING OR INTERFERING WITH SLAVERY PROHIBITED (CORWIN AMENDMENT).

No amendment shall be made to the Constitution which will authorize or give to Congress the power to abolish or interfere, within any State, with the domestic institutions thereof, including that of persons held to labor or service by the laws of said State. (12 Stat. 251.)
Proposed by Congress March 2, 1861.
Ratified by the following States:
Ohio, March 13, 1861.
Maryland, January 10, 1862.
Illinois (convention), February 14, 1862.

ATTEMPTS TO REGULATE RATIFICATION.

On May 23, 1866, when the resolution proposing the fourteenth amendment was under consideration, Mr. Buckalew, of Pennsylvania, submitted an amendment to add to the resolution the following additional section:
"SEC. 6. This amendment shall be passed upon in each State by the legislature thereof which shall be chosen, or the members of the most popular branch of which shall be chosen, next after the submission of the amendment, and at its first session; and no acceptance or rejection shall be reconsidered or again brought in question at any subsequent session; nor shall any acceptance of the amendment be valid if made after three years from the passage of this resolution." (Cong. Globe, vol. 36, p. 2771.)
When the fifteenth amendment was before the Senate on February 3, 1869, Mr. Buckalew, of Pennsylvania, proposed to add to the resolution submitting it to the States the words:
"That the foregoing amendment shall be submitted to the legislatures of the several States, the most numerous branch of which shall be chosen next after the passage of this resolution." (Cong. Globe, vol. 40, p. 828.)
His speech in support of this proposal on February 5, 1869, is reported in the Congressional Globe, volume 40, pages 912 and 913. On February 9, 1869, this amendment was rejected—yeas 13, nays 43.
On February 17, 1869, an amendment practically identical with the above was offered by Mr. Hendricks, of Indiana, and the constitutionality of such a limitation was discussed by Senators Morton, Bayard, Buckalew, Dixon, and Yates. The question being taken, the amendment was rejected—yeas 12, nays 40. (Cong. Globe, vol. 40, pp. 1311–1314.)

On January 30, 1882, Mr. Berry, of California, introduced a joint resolution (H. J. Res. 116, 47th Cong., 1st sess.) proposing an amendment to the Constitution to regulate ratification, as follows:
"SECTION 1. The legislature of a State shall not vote upon a proposed amendment to the Constitution of the United States except at a regular session held following an election of the members of the most numerous branch of the State legislature, which election must take place subsequent to the time of submission by Congress or a convention of the proposed amendment.
"SEC. 2. This amendment shall not take effect until the 5th of March, 1885."
On March 17, 1869, Mr. Morton, of Indiana, introduced in the Senate, and on March 29, 1869, Mr. Shanks, of Indiana, introduced in the House identical joint resolutions (S. J. Res. 32 and H. J. Res. 57, 41st Cong., 1st sess.), which read as follows:
"*Be it resolved, etc.*, That on the sixth legislative day of a regular session, or of a legally called special session, of any State legislature, each house of said legislature, at the hour of 12 meridian, shall proceed to the consideration of any amendment of the Constitution of the United States that may have been submitted by the Congress of the United States to the legislatures of the several States for ratification, according to the provisions of the fifth article of the Constitution of the United States: *Provided*, That such amendment may not have been acted upon at any preceding session of said legislature. And if, upon the consideration of such amendment, it shall receive the votes of a majority of the members elected to each house of said legislature, it shall be held to be duly ratified by such legislature. And if final action is not taken upon the first day, then the house shall meet the next day at the same hour and so continue to meet from day to day (Sundays excepted) until final action is taken upon such amendment. Nor shall the action of either house of said legislature upon such amendment be hindered or prevented by the resignation or withdrawal, or the refusal to qualify, of a minority of either or of both houses of said legislature.
"SEC. 2. *And be it further resolved*, That if such amendment or amendments shall be ratified according to the provisions of the preceding section, the same shall be duly certified by the officers of each house and shall be transmitted by the governor of the State to the President of the United States."
(Cf. Ames. H. V. The proposed amendments to the Constitution of the United States during the first century of its history. Pp. 287–292.)

Mr. STANLEY. Mr. President, this is the natal day of the immortal founder of the Republican Party, and the full attendance upon the right-hand side of the Chamber to the duties which devolve upon the members of that party now shows that they rival even the immortal Lincoln in their faithful attendance to the business of the country.

Mr. McKELLAR. Mr. President, the Senator said there was a full attendance on the Republican side of the Chamber. He was speaking ironically, I suppose, as I see but one member of that party over there.

Mr. STANLEY. Certainly I was speaking ironically. It shows that they realize, as Lincoln realized, the burdens of their day and generation and by their studious attendance and their presence here are endeavoring to do as he did in his lifetime, prove worthy of the trust reposed in them.

Could Abraham Lincoln, like Peter Grimm, return to Congress to-day, oh, how lonesome he would be.

In the maintenance of the rights of men, without regard to race or color or creed, two lofty spirts, separated by the lapse of three-quarters of a century, are silhouetted, mountainlike, against the history of the past.

Strange as it may seem, the father of democracy and the founder of republicanism were the exponents of the same essential and eternal principle, that it is the function of government to vest all men, without regard to wealth or culture or condition, with the greatest measure of individual independence consistent with the maintenance of an organized society.

History must recall that the two great emancipators were Lincoln and Jefferson. To the one is due the abolition of the slave trade and to the other the institution of chattel slavery.

Apprehensive of Federal aggression, Lincoln warned his countrymen in his day that it was—

No child's play to save the principles of Thomas Jefferson from total overthrow in this Nation.

No man more sincerely admired or more thoroughly understood the complete accord between himself and Thomas Jefferson upon basic and eternal principles than Abraham Lincoln.

All honor to Thomas Jefferson—

said he—

to a man who in the concrete pressure of a struggle for national independence by a single people, had the coolness, forecast and capacity to introduce into a mere revolutionary document an abstract truth applicable to all men and all times, and so to embalm it there that to-day and in all coming days it shall be a rebuke and stumbling block to the harbingers of reappearing tyranny and oppression.

Had the Civil War determined not the right of a State to secede but the right of a State to exist, Abraham Lincoln would to-day be canonized by many ardent patriots in both political parties. As it is, should he return in the flesh to-day, I fear his old-fashioned notions of personal liberty and the inviolate rights of the States would render him an Ishmaelite upon either side of the Chamber, and whether he took his seat upon the right or the left, he would certainly be damned as a hopeless reactionary.

In his first inaugural address, he declared that those who nominated and elected him—

Placed in the platform for my acceptance and as a law to themselves and to me the clear and emphatic resolution that I now read—

"*Resolved*, That the maintenance inviolate of the rights of the States, and especially the right of each State to order and control its own domestic institutions according to its own judgment exclusively, is essential to that balance of power on which the perfection and endurance of our political fabric depends."

It is my duty and my oath to maintain inviolate the rights of the States and to order and control, under the Constitution, their own affairs by their own judgment exclusively. Such maintenance is essential for the preservation of that balance of power on which our institutions rest.

To-day there are pending more than two score amendments to the Constitution, the purpose of which, in the main, is to deprive these States, in the language of the Republican platform of 1861, "of the power to order and control its own domestic institutions according to its own judgment exclusively."

In his first political speech, Abraham Lincoln declared: "I am in favor of internal improvements," and he was the champion of internal improvements until the day of his death. Never since the birth of Abraham Lincoln has the agricultural or industrial life of this country been in greater need of internal improvements or an adequate transportation system, and yet I am advised that the President of the United States to-day proposes to nullify an appropriation of the measly sum of $56,000,000 for the improvement of our waterways, in the face of the fact that our common carriers are admittedly impotent to render an adequate service. Lincoln, above all others, tenderly safeguarded the rights of the soldier and stoutly maintained the duty of the Government to adequately compensate his heroic service. To-day he is excluded from public office by political henchmen and denied compensation at the demand of high finance. The man who placed "the man above the dollar" would place the bonus above the bond. Lincoln would, if living to-day, be a political apostate or an advocate of the bonus.

In its indifference to the rights of men, to the service of heroes, and in its subservience to special privilege and to special interests the present administration may trace its lineage direct and unquestioned to Alexander Hamilton, the great protagonist of caste and privilege. In subsidizing the rich and plundering the poor it is the party of Hamilton, pure and simple, but it has nothing in common with the great defenders of the rights of men—Thomas Jefferson and Abraham Lincoln.

Mr. NORRIS and Mr. HEFLIN addressed the Chair.

The PRESIDING OFFICER. The Senator from Nebraska is recognized.

Mr. NORRIS. I have no desire to talk now on the motion I have made, if other Senators for any reason want to talk first. I have yielded to several others. If the Senator from Alabama [Mr. HEFLIN] desires to speak now I shall be glad to yield the floor to him.

Mr. HEFLIN. I wish to speak just for a few moments.

Mr. NORRIS. I do not want to curtail any Senator, but before my motion is voted on I want to make a further explanation of it. I yield the floor at this time.

Mr. HEFLIN. Mr. President, the remarks made by the distinguished Senator from the State of Kentucky [Mr. STANLEY] cause me to desire to say a few words at this time. He has spoken of the great Lincoln, the great commoner, the great statesman, who was a friend of the common masses of the common people. As he spoke of him in this Chamber and referred to him as being the father of the Republican Party, I wondered what he would think if he could come back to life and come into this historic Senate hall, where free speech was one of the things prized by the statesmen of his day and by statesmen before that time, and even by the statesmen of this time—with emphasis upon the word "statesmen." I wondered, if Lincoln could come back and they should tell him as he came into the Capitol that the Republican Senate by a large partisan vote had said that a Senator could not declare in this Chamber "that he did not represent the bond sharks and big financiers of Wall Street," what he would say. Why, Lincoln would say that the Republican Party has become degenerate, an unclean thing, the common tool and handy instrument of the predatory interests of the country.

I thought, as the Senator from Kentucky was speaking of the great Lincoln, of the record made by the present day time-serving Republican Party in this Chamber just a few days ago, when we were discussing the debt settlement with Great Britain. A marvelous piece of diplomatic achievement for Great Britain is that settlement. I used this language:

I am here to represent the people, to represent in part my State. I am not here to represent the bond sharks, the big financiers of Wall Street.

That is as far as I got. I offended the leaders of the Republican Party with that statement. I have wondered frequently just why it was they stopped me at that point. I have been thinking about it since, and I have wondered if the high "muck-a-mucks" of Wall Street—the big financiers and bond sharks, if you please—had been complaining to the leaders of the Republican Party down here. I wondered if they have not been whispering something like this into their ears:

"You are permitting HEFLIN and other Senators down there to talk about us up here in Wall Street, and we see no effort on your part to stop him or them. We are not going to tolerate that. We furnished your campaign funds. We are the power behind the throne in your party, and yet you permit the Senators on the other side of the Chamber to get up and criticize the doings of Wall Street. We have not heard one of you yet administer a severe rebuke to one of those Senators who dares to criticize the conduct of Wall Street. We want that situation changed. We want to see you get a move on in this matter. The very first one that assaults Wall Street hereafter, we want you to rise in your place and stop him on the spot. Make a point of order and call him down. Have you no written rules in the Senate that will protect Wall Street? If you have no rule in the Senate that will protect Wall Street, will not your Presiding Officer sustain the point of order if you make it; and if he does sustain it, and they appeal from his decision, can you not get enough Republicans to sustain a proposition which seeks to favor and protect Wall Street? If you will not do the thing necessary to shield and protect Wall Street when she is assailed by a Senator, we will not give you another nickel. Do you get that? Put that in your pipe and smoke it."

Mr. President, when I got up the other day and said I was not here to represent the bond sharks and big financiers of Wall Street the leader of the Republican Party [Mr. LODGE] rose and made a point of order. I was astounded. I wondered what had happened to the Senator. They reduced my language to writing. Here it is. I wish I could read it loud enough for everybody in the United States to hear it. This is the language objected to and against which a point of order was made by the Senator from Massachusetts:

I am here to represent the people, to represent in part my State. I am not here to represent the bond sharks, the big financiers of Wall Street.

That is as far as I got. I offended the leaders of the Republican Party in the Senate. I trespassed upon the proprieties of the occasion with them, and I was called to order and requested by the Presiding Officer to take my seat until the matter was disposed of. I, a Senator from a sovereign State, speaking against sinister interests in Wall Street, that literally control the Republican Party to-day, as I was aiming shafts of criticism against the Wall Street octopus, whose tentacles hold the Government by the throat at this hour—when I dared to stand in my place and criticize Wall Street they did not answer my arguments. They did not deny the correctness of my statements. They did not flash their scintillating blades in the arena of debate upon the question, but they invoked the aid of their Presiding Officer and violated all the precedents of the Senate. They resorted to strong-arm methods and called me down. Such a method has been the handy instrument of tyrants for all time; when they can not answer your argument they lay their hands upon you.

I want to read what I said just prior to the point of order. The distinguished Senator from Arkansas [Mr. ROBINSON] read it the next morning when he made the position of those who voted to sustain the Chair look miserable and measly. Here is what I was saying. I was putting my finger on the sore spot. I was going to the headwaters. That is why they wanted to stop me.

I read from the RECORD of February 1, 1923, page 2831:

Mr. HEFLIN. I merely wanted to go on record as saying a word in behalf of some of the statements of my friend, the Senator from Tennessee [Mr. MCKELLAR]—I did not hear all of his speech—and to speak for the American people somewhat about a debt that is due to them. Does Wall Street want to collect her money from Great Britain and have this whole debt held up until she can collect it? She did have it held up, it seems, until she collected $1,700,000,000 from France and Great Britain. Does she want to have this debt held up for 62 years so she can go on undisturbed and collect the other money due her from the various countries? I am here to represent the people, to represent in part my State; I am not here to represent the bond sharks, the big financiers of Wall Street. I want the American people to have a fair deal.

My God! here in the same Hall where we eulogize the great Lincoln that remarkable performance took place. Why, Mr. President, if Lincoln could come into this Hall to-day he would lash the Republicans out of it, as Christ drove the money changers out of the temple at Jerusalem. Talk about the party of Lincoln! There is nothing to remind one of Lincoln in the Republican Party as it exists to-day—I am talking about the leaders of it, the big bosses—in the time-serving Republican

Party as we know it now. There are many of the rank and file in that party who feel just as I do and just as the Democratic rank and file feel.

I have received, I suppose, a hundred letters from Republicans since that remarkable incident took place the other day in this Chamber. Many of those letters begin by saying, "While I am a Republican, I hang my head in shame at the conduct indulged in in stopping you when you said you were trying to represent the people," and so forth. Others say, "I am a Republican, but I condemn the conduct of the Republican Senate."

These are the things which are transpiring here in the closing hours of the session of Congress when the ship subsidy bill is hanging in the balance in the Senate. The Senator from Washington [Mr. JONES], clever, smooth artist that he is, is handling this measure in splendid fashion; he hopes to get it through, and I guess he thinks he will get it through. When I was speaking here the other night, going right to the meat of another issue, I was stopped. I have wondered if that was done as a feeler, in order to intimidate other Senators and to make them exceedingly careful about what they were going to say when we get into the ship-subsidy debate. If they could pick me out and stop me when I was saying that I did not represent Wall Street, and they could have me take my seat, perhaps it was thought that more timid Senators might refrain from saying anything. Well, Senators on the other side of the Chamber have another thought coming to them. Before they get through with the ship-subsidy fight they are going to hear some pretty plain talk on this side of the Chamber on that subject.

The ship subsidy plan involves the biggest deal of all the big deals that this administration has put over, and the country is entitled to know the truth about it. Senators owe it to themselves, they owe it to the oaths which they have taken in this Chamber, and they owe it to the people whom they are supposed to serve, to tell the truth and the whole truth about that question. There never was such a propaganda carried on as is going on now in certain newspapers boosting this bill, pressing for the ship subsidy, and trying to drive into a corner and silence those who dare to open their mouths against it.

However, Mr. President, I rose at this time to say a few words about Lincoln, the "man of sorrow" who stood at Gettysburg and said, "Let us here highly resolve * * * that this Nation, under God, * * * shall not perish from the earth." I call upon every Democrat in the land, and upon every Republican in the land, to let us all on this Lincoln's birthday reconsecrate our hearts, our strength, and our all to the highest and best interests of our common country. Let us resolve to-day that this Government shall not perish from the earth; let us resolve that free speech in this Chamber shall live, and that a clean and honest free press shall live. Free speech and free press are twin angels of good for the Government, but suppressed speech and a venal, corrupt press are millstones about the neck of the Republic. Let us fight the latter and uphold the former. Let us follow Lincoln's suggestion and make sure that this Government shall endure. Let each one of us remember that day by day we either contribute to its strength and its glory, or we contribute toward dragging it down the way that other nations have gone in the long night of time.

Mr. NORRIS. Mr. President, when I had the floor previously on the pending motion I outlined what I had agreed to do, so far as I was able to do so, in the way of eliminating portions of the joint resolution so as to confine it entirely to the term of office of the Members of the House and of the Senate. I now ask unanimous consent that there be printed in bill form a copy of the joint resolution showing the proposed amendments so that Senators may see at a glance just what the effect of the changes will be and what portions of the joint resolution will remain. I have been asked by a number of Senators since I last had the floor and who did not hear the explanation what would be left in the joint resolution; and, if it shall not be disposed of to-day, the reprint showing the proposed changes will be on the desks of Senators to-morrow, and they will be able to see just what the joint resolution is designed to accomplish.

The PRESIDING OFFICER. Is there objection?

Mr. CARAWAY. Mr. President, I shall not object, but I should like to ask the Senator a question. Did the Senator in his remarks call attention to those portions of the joint resolution which he intended to strike out?

Mr. NORRIS. Yes. What I want to do is to have the joint resolution printed as a bill is printed when reported by a committee, showing the amendments recommended.

The PRESIDING OFFICER. Is there objection?

There being no objection the order was agreed to as follows:

Ordered, That the joint resolution (S. J. Res. 253) proposing an amendment to the Constitution of the United States, fixing the commencement of the terms of President and Vice President and Members of Congress, and providing for the election of President and Vice President by direct vote, be printed, showing the proposed amendments.

Mr. NORRIS. Mr. President, I was making an explanation of the joint resolution which proposes an amendment to the Constitution when I yielded the floor to other Senators who were anxious to speak on it without any delay. If the changes which I have suggested shall be made and the joint resolution shall be passed and then ratified by the legislatures of the States so that it shall become a part of the Constitution of the United States it will have this effect: Senators and Members of the House of Representatives elected at the general election in November will take their seats the first Monday of January thereafter; their terms of office will commence at that time, and Congress will convene in annual session at that time. Therefore those Members of the House and of the Senate elected in November will assume the duties of their office within two months of the time when they were chosen.

Another effect would be that there would be no such thing as a short session of Congress. The term of Members of the House and of the Senate would commence on the first Monday in January at the same time when the session of Congress would commence, and a Congress would not terminate by the expiration of the terms on the 4th day of March of Members of the House and one-third of the Senate, as is the case now, every other year.

Mr. President, that one proposition, which is not discussed very often by those who consider this question, is of great importance. The point will be immediately appreciated by all of those who have any experience with the work of Congress. We are right now in the closing days of a short session which must terminate on the 4th day of March because the term of office of one-third of the Members of the Senate and of all the Members of the House expires at that time. Congress can not regularly convene until the first Monday in December, and following that come the Christmas holidays, which always interfere with the work of Congress. So we never get down to real work until about the 1st of January or a little thereafter.

It is a physical impossibility, Mr. President, for the Congress to consider with any mature deliberation important questions of legislation within the life of a short session, and at the same time properly to consider and pass the necessary appropriation bills to keep the Government running for another year.

The result is we must either throw aside much proposed legislation of a great deal of importance without considering it at all, or we must consider it in a "half-baked" fashion and dispense with much of the debate that ought to take place on and much of the consideration that ought to be given to the appropriation bills. We do a little of both of those things. Important matters of legislation are killed because of want of time. Other matters of appropriation in which the country is vitally interested, where hundreds of millions of dollars are involved, are given but scant consideration because we have not the time if we take up the other things; and every Member of each House is interested in a great many other matters of legislation that he thinks he will get more time to accomplish by shortening the consideration of these appropriation bills. The result is bad legislation in the short session, half-baked, unfinished legislation. Another result is that we must necessarily kill good legislation because of the want of time to consider it.

If this amendment were part of the Constitution, such a condition could not exist. We would not have, as a rule, any extended filibustering in the Senate. There would be no limit of time up to which we could work and then would have to quit as a matter of law. Every session of Congress could last an entire year if it were necessary to do the business.

Moreover, when we have a short session of Congress and do not finish the business before us, as has been the case almost universally for eight years, a special session is called. That means increased expense to the taxpayers. That means additional work for Members of Congress. It means that by the time the special session is called and organized and gotten into operation we are in the hot season of the year, and everybody knows that we can not get good legislation; that we can not get the best of legislation in the city of Washington when we are trying to legislate in July and August, when the weather is almost unbearable and good work can not be done. That would be obviated. Special sessions would become practically an unknown thing.

That is only one thing that would be brought about. It is not usually considered the most important. As a matter of fact, it is of very much more importance than it is usually considered to be.

Another thing would be, Mr. President, that the new Congress elected in November would go into office and go into active

duty in the January following. I do not know myself of any reason why a Congress elected in November should wait until a year from the following December before it actually commences operations, and yet that is what it does now unless the President calls a special session. There is not a State legislature in the United States where a similar condition exists. Not in a single instance in the civilized world is there a parliament or a legislature that, after it is elected, must wait for a year and a month before it commences to legislate; and yet in a democracy, in what is supposed to be the freest and the greatest country in the world, where freedom prevails, where the will of the people is the law of the land, that is the kind of a condition that we find.

I do not know of anybody who defends it. I can not myself conceive of a single argument in favor of that kind of a condition, and yet that is the condition that exists here.

The only objection that I have ever heard to this proposition was to the effect that "We had better not tamper with the Constitution."

Let us see. When the Constitution of the United States was made, Mr. President, no time was fixed, and none is now fixed, providing for the beginning of the term of office of a Member of the House or of the Senate. The Constitution says that the term of a Senator shall be six years, and the term of a Member of the House of Representatives shall be two years; but it does not fix the beginning or the end. As a matter of fact, the only reason why the 4th of March became the beginning and the end of congressional terms was because that was when they were organized. That was when the Congress provided by statute that the new Congressmen should go into office; and, of course, the term beginning then, when it had lasted two years it ended then. The framers of the Constitution did not know, at the time they adopted the Constitution, that we were going to have such a foolish condition.

Moreover, some reason existed in those days why more time should elapse. Railroads were unknown, the telegraph was undiscovered, and even the roads to travel on were mere trails. Automobiles had not come into use, and ox teams and mule and horse teams were the only way they had to go from one part of the country to another. It was months before one part of the country knew how another part of the country had voted. It was months before the people in the remote parts of the country knew who had been elected President; and, of course, under those conditions expedition could not take place. It was necessary that there should be more delay than now.

Another reason was that the Constitution provided that Senators should be elected by the State legislatures. They did not meet, as a rule, until after the 1st of January. It was sometimes late in their session before they succeeded in electing a Senator, and on that account there was some reason why there should be a delay.

All those things have passed away. None of them exist now; and, as far as I know, Mr. President, not a single objection of any kind has ever been raised against this proposed change. Is it not queer, Mr. President, that something that everybody is for nobody can get? Is it not queer that in a democracy like ours, where we have a unanimous Senate and a unanimous House wanting to vote for this proposition, we can not get it? Is it not queer that in our country, where throughout its length and breadth, as far as I know, no voice has been raised against this change, and everyone who has spoken has spoken in its favor, we can not bring it about? Are we so far removed from what we want to do ourselves and from what our people want us to do that we can not accomplish anything?

Right now it is said: "Why, I am in favor of this proposition, but I can not vote for your motion to take it up, because by doing so I would displace the so-called ship subsidy bill." But, Mr. President, I do not know how to get it up without displacing the ship subsidy bill; and the ship subsidy bill is going to be here, very likely, until the 4th of March, and stand as a barrier to progress, stand in the way of doing something that everybody wants to see done.

Who is it that is opposed to this? Who is it that does not want to propose this amendment? Who is it that condemns it? Let him rise in the Senate, and let us see who he is. He has not so far said a word or entered a word of protest; and yet we are confronted with the peculiar parliamentary situation that because we must have a ship subsidy bill we can not get anything else until we get that.

Mr. President, I think the remarks of the Senator from Arkansas [Mr. ROBINSON], made at some length an hour or two ago in regard to the ship subsidy bill as it is connected with this proposition, were to the point. Without finding fault with any man as to his standing or his belief on the ship-subsidy measure—it must be apparent, it is apparent it is known to everybody, it is an open secret—that if the Congress elected in November were here now doing business the ship subsidy bill would not be here; nobody would propose it. It is known that it would not pass. There is only one way to pass it, and that is to pass it through a Congress whose successors have already been elected; when, because of a peculiar condition of our Constitution that came about, as I have explained to a great degree by accident as far as the beginning of the term is concerned, the new Congress is unable to operate.

What would you say if this condition existed in your State? Just take it home to your own State. Suppose that the State, let us say, of Washington, represented here so ably by the senior Senator from that State [Mr. JONES], had a provision in its constitution that the members of the State legislature should be elected in November, that their term of office should not begin until the 4th of March, and that there was no way on earth for them to assemble even after that unless the governor called them, and that the first time when under the law they could meet and do business for that State would be a year from the following December after they had been elected. Do you suppose that the people of Washington, intelligent, patriotic, and progressive as I know they are, would stand for that kind of a proposition? Where is the State that would submit to such a thing? Point to me the civilized government anywhere under God's sun that would stand for it. There is not one anywhere to-day; and yet in free, great America that is our condition, and we are so helpless that although all the people want this change, and all the Senators want it, and all the Members of the House want it, nobody can get it.

Mr. President, I ask unanimous consent to have printed as a part of my remarks the report that I made from the Committee on Agriculture and Forestry on this joint resolution.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The report (No. 933) submitted by Mr. NORRIS on December 5, 1922, is as follows:

Report to accompany Senate Concurrent Resolution 29.

The Committee on Agriculture and Forestry, having had under consideration S. Con. Res. 29, beg leave to report thereon as follows:

This resolution undertakes to express the sense of the Senate to the effect that Members of Congress defeated at the recent election should abstain from voting on anything but routine legislation, and that chairmen of committees not in sympathy with the people's wishes as expressed at the polls should resign from their respective chairmanships.

The passage of such a resolution would not only be unwise, but if it were complied with it would interfere with the constitutional right and privilege of many Members of Congress. Under our Constitution a Member's right, if not his duty, to participate fully in all legislation up to the close of his constitutional term can not be questioned or denied.

The resolution, however, does call attention to a very serious defect in some of the provisions of the Constitution. The passage of the resolution, however, would not bring a remedy, and your committee, after due consideration, has reached the conclusion that it should report to the Senate for its action a proposal to amend the Constitution of the United States that will in the judgment of the committee bring relief from the conditions pointed out by the concurrent resolution.

Under existing conditions a new Congress does not actually convene in regular session until a year and one month after its Members have been elected. When our Constitution was adopted there was some reason for such a long intervention of time between the election and the actual commencement of work by the new Congress. We had neither railroads nor telegraphic communication connecting the various States and communities of the country. Under present conditions, however, the result of elections is known all over the country within a few hours after the polls close, and the Capital City is within a few days' travel of the remotest portions of the country.

Originally, Senators were elected by the legislatures, and as a rule the legislatures of the various States did not convene until after the beginning of the new year, and it was difficult and sometimes impossible for Senators to be elected until February or March. Since the adoption of the seventeenth amendment to the Constitution, however, Senators have been elected by the people at the same election at which Members of the House are elected. There is no reason, therefore, why the Congress elected in November should not be sworn in and actually enter upon the duties of office at least as soon as the beginning of the new year following their election.

The only direct opportunity that the citizens of the country have to express their ideas and their wishes in regard to national legislation is the expression of their will through the election of their Representatives at the general election in November. During the campaign that precedes this election the great questions demanding attention at the hands of the new Congress are discussed at length before the people and throughout the country, and it is only fair to presume that the Members of Congress chosen at that election fairly represent the ideas of a majority of the people of the country as to what legislation is desirable. In a Government "by the people" the wishes of a majority should be crystallized into legislation as soon as possible after these wishes have been made known. These mandates should be obeyed within a reasonable time.

Under existing conditions, however, more than a year elapses before the will of the people expressed at the election can be put into statutory law. This condition of affairs is not only unfair to the citizenship at large, who have expressed their will as to what legislation they desire, but it is likewise unfair to their servants whom they have elected to carry out this will. It is true that it is within the power of the President to call an extraordinary session of Congress at an earlier

date than the one provided by law, but the new Congress can not be called into extraordinary session until after the 4th of March, which would not give the new Congress very much time for the consideration of important national questions before the summer heat in the Capital City makes even existence difficult and good work almost impossible. It is conceded by all that the best time for legislatures to do good work is during the winter months. Practically all the States of the Union recognize this fact and provide for the meeting of their legislatures near the 1st of January. Moreover, the wishes of the country having been expressed at an election should not be dependent for their carrying out upon the will of the President alone. Provision should be made by law so that the new Congress could begin the performance of its important duties as soon after election as possible and under conditions that are the most favorable for good work. Under existing conditions a Member of the House of Representatives does not get started in his work until the time has arrived for renominations in his district. He has accomplished nothing and has not had an opportunity to accomplish anything because Congress has not been in session. He has made no record upon which to go before his people for election. It is unfair both to him and to the people of his district. In case of a contest over a seat in the House of Representatives, history has shown that the term of office has practically expired before the House is able to settle the question as to who is entitled to the contested seat. During all this time the occupant of the seat has been drawing the salary; and if it is decided in the end that the occupant was wrongfully seated, then the entire salary must again be paid to the person who has been unjustly deprived of his seat. Double pay is therefore drawn from the Treasury of the United States and the people of the district have not been represented by the Member whom they selected for that purpose. No reason has been given, and undoubtedly it is correct to say that none can be given, why a new Congress elected at a general election to translate into law the wishes of the people should not be installed into office practically as soon as the results of the election can be determined.

The question is sometimes asked, Why is an amendment to the Constitution necessary to bring about this desirable change? Congress has authority under the Constitution to change the day upon which Congress shall convene, but it can not put this time prior to the 4th day of March, and thereby give the new Congress an opportunity to commence work, because the term of office of the new Congress under existing conditions does not commence until the 4th day of March following their election. It is true the Constitution does not provide the date when the terms of Senators and Representatives shall begin. It does fix the term of Senators at six years and of Members of the House of Representatives at two years. The commencement of the term of the first President and Vice President and of the Senators and Representatives composing the first Congress was fixed by act of Congress adopted September 13, 1788, and that act provided "that the first Wednesday in March next be the time for commencing proceedings under the Constitution." It happened that the first Wednesday in March was the 4th day of March, and hence the terms of the President and Vice President and Members of Congress begin on the 4th day of March. Since the Constitution provides that the term of Senators shall be six years and the term of Members of the House of Representatives two years, it follows that this change can not be made without changing the terms of office of Senators and Representatives, which would in effect be a change of the Constitution. By another act (the act of March 1, 1792) Congress provided that the terms of President and Vice President should commence on the 4th day of March after their election. It seems clear, therefore, that an amendment to the Constitution is necessary to give relief from existing conditions.

The necessary constitutional change to fix the beginning of the terms of President and Vice President and of Members of Congress and to place such time soon after the general election, thus enabling the wishes of the people to be translated into law, is only a step in placing the people more directly in control of their Government. If it is desirable that the wishes of the people as expressed at the ballot box should have the effect of law so far as Senators and Representatives are concerned, it is equally important and desirable that the same rule should apply to the selection of a President and Vice President. The President under our Constitution is in reality part of the legislative machinery of the country. In fact, he probably has more influence over legislation than either branch of Congress. It is therefore just as important that the people have an opportunity to express their wishes as directly as possible as to who their Chief Magistrate should be as it is to express this wish in regard to Senators and Members of the House of Representatives. But the President and Vice President are not elected by a direct vote of the people. They are elected by electors, who are themselves selected in accordance with laws and regulations provided by the legislatures of the various States. The method provided by our Constitution for the election of a President is not only archaic but it stands as an impossible barrier across the road of progress and makes it impossible for the people to enjoy the freedom and rights that ought to come to the citizenship of a free democracy. It is completely out of date, and the wonder is that a liberty-loving people, who are sufficiently intelligent to govern themselves, should have permitted it to remain this long as a part of the organic law of the land. When our Government was founded and our Constitution was adopted it was more or less an experiment in the world of governmental affairs. The step which our forefathers took was greater than any that had ever been taken toward a free government; and yet, in the preparation of that wonderful document, our forefathers were fearful lest the step proposed to be taken should be too great and thus bring ruin instead of success. They deemed it wise to remove the governmental functions in most cases one or more steps from the direct control of the people to be governed. They provided that the President and Vice President should be elected by electors and that these electors in turn should be "appointed" according to the provisions of the various State legislatures. Senators were elected by the legislatures of the various States, and it took many years of agitation and work to secure an amendment to the Constitution providing for the direct election of such officials.

That such change has been beneficial and helpful will not be denied by anyone. The same reasons that impel the adoption of a constitutional amendment providing for the direct election of Senators would seem to demand that the President and Vice President should be elected by a direct vote of the people. No reason can be given why an independent people, capable of self-government, should not have the right to vote directly for the Chief Magistrate, who has more power than any other official in our Government. It is true that these presidential electors are pledged to vote for some particular man for President and for Vice President. At the very best, they are an unnecessary and useless part of our political machinery; but even though every candidate for presidential elector is pledged to vote for some particular man for President and Vice President, there can be no reason given for the existence of such an official. If he is only to carry out the will of the voter, why not do away with his office entirely and permit the voter to carry out his own will by a direct vote? Under existing conditions the names of all the candidates of all parties for presidential elector must be printed on the official ballot, and then there must be as many blank places left on the ballot, under the laws of the various States, as there are candidates for electors, giving the voter the right to write in the names of any other candidates for electors for whom he desires to vote. The result is that in all of our States the ballot is unreasonably and unnecessarily lengthy. In some of the larger States, where there are a large number of presidential electors, the official ballot is often from 25 to 30 feet in length.

All this could be avoided if the names of the candidates for President and Vice President were printed on the ballot and the voter given the right to directly express his choice. While the system is unnecessary, cumbersome, and confusing, and has no merit whatever that can be mentioned in its favor, it has an evil and disastrous effect and as a matter of fact often indirectly, but certainly, takes away from the voter the right to effectively express his will. Since no person has the legal right to vote directly for President and Vice President, and since presidential electors are named by political parties, pledged to vote for the nominee of their respective parties for both President and Vice President, it follows that it is a physical impossibility for a citizen to vote for the candidate for President in one party and the candidate for Vice President in another party. The ordinary citizen does not realize that his electoral right and privilege is thus curtailed. It is not often that voters would want to take such a course, but as a matter of fundamental justice we ought to be protected by law in taking such a course should we desire to do it. It is practically an impossibility for any person to become an independent candidate for the office of President. In theory this could be done. In practice it is just as much prohibited as though the right were denied by express term of the Constitution. This point is very important and bears directly upon the fundamental principle of the right of an ordinary citizen to be heard and to have his influence and his vote count in whatever direction he desires to use it. He is compelled, from the very nature of things, to vote for the candidate of some great political party, and the powers and influences which control the nominations in such parties, indirectly but very perfectly and completely, control the vote of the citizen, and in reality elects the President. The voter has nothing left but a choice between two evils.

Everybody knows that political conventions are very frequently manipulated and controlled by powerful secret influences that have selfish ends in view rather than the benefit of all the people. The machinery of a great political party of national scope is sufficient to enable those in control of that machinery to control the action of a national convention. Within the memory of all of us we have seen such control exercised, sometimes completely, and almost universally at least to a partial extent. If a few men under existing conditions are able to control nominations without consulting the wishes or wants of the voters, and if a nomination is necessary for election, then the only right given to the voter is that of choosing between two samples which are set before him. This is in reality a denial of suffrage. At least, the right of suffrage so given is not absolute and is little more than a hollow sham and mockery. As a matter of fact the actual practice always has been, and perhaps as long as the system lasts always will be, that the man or men who control political parties do it from selfish motives. They care but little about the wishes of the people. They are sometimes the representatives of special interests, and even though those who do the work directly may not ask or expect any benefit, those whom they in reality represent and who furnish the sinews of political warfare expect to benefit by national legislation or by presidential appointments of administrative officials. The people are not consulted, and the people have in reality no voice in the selection of their own President, whose power and influence in administrative directions is almost unlimited and who has more to do with their laws, their surroundings, with their environment, their country, and their happiness than any other one official.

Even though the people are dissatisfied, they are helpless, because it is practically impossible for anyone to be an independent candidate for President, no matter what demand there may be from the people in this respect. The Electoral College stands in the way. In order to run for President it is necessary to organize in every State and in every congressional district of every State, and to select candidates to become electors, pledged to the man who is to become the candidate. This takes not only time but a vast amount of money. For practical purposes it is an impossibility. If the Electoral College were abolished and the people allowed to vote directly for President, it would naturally follow that those who controlled political conventions would be more careful in their selection of nominees. Political conventions would pay more attention to the wishes of the people at large, and successful candidates would give closer adherence to preelection promises. If national political conventions were controlled by selfish interests and nominated candidates unsatisfactory to the people at large, it would be easy for the people to defeat such nominees by rallying behind an independent candidate for President. It would be a very easy matter to have printed on the official ballot in all the States the name of an independent candidate. This could be done without the organization of a new party and at very little if any expense; and when the voter went into the booth to cast his ballot, instead of a ballot 10 or 20 feet in length, he would be confronted with the actual names of presidential candidates on a space 2 or 3 inches in length. It would be a very simple procedure, inexpensive, and perfectly practical. Practically every State in the Union has what is known as an official ballot and provides by law for a method of putting names on this ballot. Such machinery is already provided for in the States and applies to every office except that of President and Vice President, and the reason it can not apply to those is because the Electoral College stands in the way. Under existing conditions we have no way of expressing our opinion. Our Constitution keeps from the people the right to be heard in the selection of a Chief Magistrate. If the people are competent to select Members of the House of Representatives, if they are likewise competent to vote directly for Senators, why should they not likewise have an opportunity to vote directly for President and Vice President?

To remedy the situation pointed out by the concurrent resolution referred to the committee, and which has been thus briefly discussed, we recommend in lieu of S. Con. Res. 29 the passage of the following

resolution proposing an amendment to the Constitution of the United States:

"*Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein)*, That the following amendment to the Constitution be, and hereby is, proposed to the Senate, to become valid as a part of the Constitution when ratified by the legislatures of the several States as provided by the Constitution:

ARTICLE —.

"SECTION 1. The terms of the President and Vice President of the United States shall commence at noon on the third Monday in January following their election, and they shall be elected as follows: The choice of each State for President and Vice President shall be determined at a general election of the qualified electors of such State. The time of such election shall be the same throughout the United States, and unless the Congress shall by law appoint a different time such election shall be held on the first Tuesday after the first Monday of November in the year preceding the expiration of the regular term of the President and Vice President. Each State shall be entitled to, and shall be given, as many votes for President and Vice President as the whole number of Senators and Representatives to which the State may be entitled in Congress. Each State shall certify and transmit, sealed, to the seat of government of the United States, directed to the President of the Senate, the result of said election. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be the President, if such number be a majority of the whole number of votes to which all of the States are entitled; and if no person have such majority, then from the persons having the highest numbers, not exceeding three on the list of those voted for as President, the House of Representatives shall choose immediately the President. In choosing the President the votes shall be taken by roll call of the Members and all such votes shall be recorded in full in the Journal and a majority of all of the Representatives shall be necessary to a choice. If the House of Representatives shall not choose a President whenever the right of choice shall devolve upon them before the third Monday in January next following, then the Vice President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice President shall be the Vice President if such number be a majority of the whole number of votes to which all of the States are entitled, and if no person have a majority, then from the two highest numbers on the list the Senate shall, in like manner, choose the Vice President, and a majority of the whole number of Senators shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice President of the United States.

"SEC. 2. The terms of Senators and Representatives shall commence at noon on the first Monday in January following their election.

"SEC. 3. The Congress shall assemble at least once in every year and such meeting shall be on the first Monday in January unless they shall by law appoint a different day.

"SEC. 4. The terms of the President and Vice President who may be in office at the time of the adoption of this amendment shall end at noon on the third Monday in January of the year in which such terms would otherwise have ended on the 4th day of March. The terms of Senators and Representatives who may be in office at the time of the adoption of this amendment shall end at noon on the first Monday in January of the year in which such terms would otherwise have ended on the 4th day of March."

Mr. JONES of Washington. Mr. President——

The PRESIDING OFFICER. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. NORRIS. I yield to the Senator.

Mr. JONES of Washington. I desire to submit a request for unanimous consent under which I think the Senator will have an opportunity to try to get his joint resolution through, and, in my judgment, will get it through.

I ask unanimous consent that when the Senate closes its business to-day it adjourn to meet at 11 o'clock to-morrow.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. NORRIS. Before closing my remarks I intended to make that very suggestion to the Senator from Washington, and I assure him that I will do everything I can to secure favorable action on this joint resolution. I hope to get the assistance of the other Members of the Senate, like the Senator from Washington, who are in favor of this measure, and pass it, if we can, to-morrow in the morning hour. However, I want to be frank with the Senator from Washington. If I am not able to do that, I shall renew my motion.

Mr. JONES of Washington. I understand that.

Mr. NORRIS. I shall renew my motion to-morrow, if I am able to get recognition.

APPROPRIATIONS FOR RIVER AND HARBOR IMPROVEMENTS.

Mr. CARAWAY. Mr. President, a statement at which I was very much surprised appeared in the Washington Post of yesterday. It has been repeated in many papers of to-day, but has just been confirmed by a Republican Member of the Senate that the President of the United States has decided, notwithstanding the will of Congress expressed, he will not permit the expenditure of the appropriation made by Congress for river and harbor improvement. It was said yesterday in the Post that the President, by reason of the fact that he is Commander in Chief of the Army and Navy, and because the bill making the appropriation for the river and harbor improvements provides that these expenditures shall be subject to the approval of the Secretary of War, has or will direct the Secretary not to approve the expenditures except those which he himself may favor, and that the total expenditure should not exceed $27,000,000, although the Congress made available $56,000,000.

An editorial which appeared in the New York Times of to-day calls attention to that report, and I take it that the editor had information which he thinks reliable that that is to be the President's attitude.

I hope the President has been misquoted. He is the Chief Executive. It is his duty to have the laws enforced. If it shall transpire that the President instead of enforcing the laws shall himself issue an Executive order forbidding the officers of the Government from obeying the law, it will be a very unfortunate circumstance. We have heard much recently, and especially from the Attorney General, to the effect that every man should bow to the law. If the President, the Chief Officer of this Republic, shall himself forbid the officers to obey the law, it will prove poor encouragement to other people to respect the law.

Congress saw fit, after the President had made his views known, to vote $56,000,000 for river and harbor improvements. Every Representative in the House and every Senator in this Chamber knew the President was opposed to that appropriation. Therefore there is no excuse upon the part of the Executive for refusing to obey the law on the ground that Congress did not realize what the Chief Executive wished. I hope this report is not well founded. It would be very unfortunate indeed if the President should take the position that because he can not be compelled to obey the law that he will set at naught the will of Congress, expressed by a substantial majority, and withhold from some sections of the country the appropriations which Congress has made to improve the waterways of that section, because he does not approve of the expenditure of the funds, or does not like the way the people vote there. If he shall do so, it will lead to an embarrassing situation, both for the Congress and for the President.

It comes with poor grace, indeed, for the President, urging and insisting as he is that Congress shall now pass a ship subsidy bill increasing the expenses of the Government millions of dollars through a measure the people tried in November to repudiate, and as just said by the Senator from Nebraska, if the President had waited until the new Congress came in that Congress would not pass. I say it comes with poor grace now for the President to say, "I do not care how hard pressed the Treasury may be for ready cash, I am going to drive through the Congress a ship subsidy which will cost the people hundreds of millions of dollars as a subsidy to private individuals, but as Chief Executive I shall ignore the will of the people, as registered by the Congress, and refuse to authorize expenditures for the improvement of rivers and harbors, because I do not happen to approve these projects."

Mr. President, the situation which will develop if the President shall make good that threat will be one that he at some time will regret as much as anyone else. The time has not yet come, however circumstances sometimes may lead people to suspect that it has, when the people are going to submit to the dominancy of the Chief Executive, whoever the President of this country may be. I hope that the advisers will take serious counsel with him before such a decision to ignore the will of the country shall be made by the President of these United States.

The PRESIDING OFFICER. The question is upon agreeing to the motion made by the Senator from Nebraska.

Mr. HARRISON. Mr. President, I desire to have read at the desk a very interesting article from the Dearborn Independent, released this morning, touching the shipping question.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will read, as requested.

The Assistant Secretary read as follows:

TWO HUNDRED DELEGATES AND BIG OFFICIALS OF CHAMBERS OF COMMERCE FROM OUR PRINCIPAL CITIES, REPRESENTING 150 OF OUR GREAT COMMERCIAL BODIES, SAILED SATURDAY, FEBRUARY 10, TO ITALY UNDER THE BRITISH FLAG TO ATTEND THE WORLD MEETING OF THE INTERNATIONAL CHAMBER OF COMMERCE AT ROME IN MARCH—THESE ARE THE IDENTICAL CIVIC BODIES THAT INDORSED THE SHIP SUBSIDY BILL—THEY CHARTERED A BRITISH SHIP AND PAY ABOUT $350,000 OF GOOD AMERICAN MONEY FOR IT, WHILE THE SHIPPING BOARD HAS HUNDREDS OF SHIPS TIED UP AND IDLE—IS THE WORD "CONSISTENCY" SIMPLY A WORD IN THE DICTIONARY?—ARE BRITISH SHIPS WET AND AMERICAN SHIPS DRY?

WASHINGTON, February.—The following has been contributed to the forthcoming issue of the Dearborn Independent by James Martin Miller:

"A notable meeting of the International Chamber of Commerce will be held in Rome, Italy, March 18 to 24 next. One hundred and fifty directors and officers of Chambers of Commerce and boards of commerce in the United States sailed from New York on February 10 aboard the Cunard steamship *Coronia*, cruising through to Egypt, Constantinople, etc., disembarking at Naples in time to reach Rome for

the notable gathering. The delegates and other representatives of America's leading civic bodies come from the principal cities of the United States; identically the same ones that the National Marine Association induced to indorse the ship subsidy bill now before the United States Senate in a desperate effort to force it into law.

"Now, why did these American civic bodies that are said to be so anxious to have the American flag become the advance agent of American commerce throughout the world charter a British ship to carry them to a gathering where they will meet and deliberate with the very forces from every country of the world that hold, perhaps, more than any other class of men the commerce of the world in the palms of their hands? The United States has hundreds of ships, many of them the most magnificent the world has ever seen, and all these commercial representatives from the different countries of the world know we have them. What effect will this historic commercial pilgrimage, sent out by our most influential commercial bodies, have upon the foreign representatives of commerce in their respective countries as regards American commerce and shipping? Let the reader answer. Our British cousins must smile, likewise our Latin second cousins. Seems to us someone said Great Britain had a lobby in Washington working to the end of defeating the ship subsidy bill. If it is true, they certainly have made a 'killing' with the chambers of commerce and boards of commerce in the United States.

"What was our great Shipping Board doing with its high-powered men that they let such important and vital business get away from them? I asked an official of the United States Chamber of Commerce in Washington, which is sending three or four delegates to Rome, under the British flag, to bolster up American commerce and shipping, why his organization and the same 150 other civic bodies, so anxious to have the ship subsidy bill passed, did not go to the Rome meet on an American ship. He replied that he, personally, as well as other members of the institution and some of those going from the different commercial bodies throughout the country, preferred to travel on a British ship.

"'Is it because the British ships are "wet"?' I pressed. His answer was amiable but vague.

"I then asked an official of the Shipping Board about the matter. He was a bit embarrassed, but, after a hesitation sentence, said: 'The Shipping Board did not have a ship available.'

"This, of course, is rank nonsense. Great Britain always has a ship available where there is any business. And this voyage of our great commercial representatives means far more than the money expended for the trip. They will pay the British ship about $325,000 to carry them.

"Can it be satisfactorily explained why these boosters of American commerce and of an American merchant marine will steam into Italy under a British flag instead of under the American flag? Mr. Webster's Dictionary contains a word we call 'consistency.' The time-honored proverb 'Consistency thou art a jewel,' should be revised to read, 'Applied consistence thou art a jewel.'"

The PRESIDING OFFICER. The question is on agreeing to the motion of the Senator from Nebraska [Mr. NORRIS] to proceed to the consideration of Senate Joint Resolution 253.

EXECUTIVE SESSION.

Mr. JONES of Washington. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to, and the Senate proceeded to the consideration of executive business. After five minutes spent in executive session the doors were reopened, and the Senate (at 4 o'clock and 5 minutes p. m.), under the order previously entered, adjourned until to-morrow, Tuesday, February 13, 1923, at 11 o'clock a. m.

NOMINATIONS.

Executive nominations received by the Senate February 12, 1923.

RECEIVER OF PUBLIC MONEYS.

Ezra T. Monson, of Idaho, to be receiver of public moneys at Blackfoot, Idaho, vice Peter G. Johnston, nominated as register of the land office at Blackfoot, Idaho.

REGISTER OF THE LAND OFFICE.

Peter G. Johnston, of Idaho, to be register of the land office at Blackfoot, Idaho, vice Joseph T. Carruth, whose term will expire February 12, 1923.

COAST AND GEODETIC SURVEY.

James Francis Downey, jr., of Massachusetts, to be aid (with relative rank of ensign in the Navy) in the Coast and Geodetic Survey, vice C. H. Wright, resigned.

APPOINTMENT IN THE REGULAR ARMY.

JUDGE ADVOCATE GENERAL'S DEPARTMENT.

To be Judge Advocate General, with the rank of major general, for a period of four years from date of acceptance.

Col. Walter Augustus Bethel, Judge Advocate General's Department, from the date following the date of retirement of Maj. Gen. Enoch H. Crowder, vice Maj. Gen. Enoch H. Crowder, who is to be retired from active service.

POSTMASTERS.

ALABAMA.

Allen R. Byrd to be postmaster at Luverne, Ala., in place of J. C. Routon. Incumbent's commission expired September 5, 1922.

Edna Young to be postmaster at Warrior, Ala., in place of S. T. Moss. Incumbent's commission expired October 24, 1922.

ARKANSAS.

Arch B. Smith to be postmaster at Osceola, Ark., in place of A. S. Rogers. Incumbent's commission expired March 18, 1922.

CALIFORNIA.

Alice E. Tate to be postmaster at Lone Pine, Calif., in place of A. E. Tate. Incumbent's commission expired September 5, 1922.

Clare E. Murlin to be postmaster at Escalon, Calif., in place of A. O. Peterson, resigned.

CONNECTICUT.

William P. English to be postmaster at Collinsville, Conn., in place of G. B. Moroney. Incumbent's commission expired September 5, 1922.

George L. Gardner to be postmaster at Central Village, Conn., in place of Frank LaFavre, resigned.

Burton Hodge to be postmaster at Roxbury, Conn. Office became presidential January 1, 1923.

FLORIDA.

Edith C. Ryer to be postmaster at Lake Alfred, Fla. Office became presidential January 1, 1923.

William P. Moore to be postmaster at Wellborn, Fla. Office became presidential January 1, 1923.

GEORGIA.

Earnest C. Smith to be postmaster at Bainbridge, Ga., in place of J. M. Scott. Incumbent's commission expired September 26, 1922.

HAWAII.

Kenichi Masunaga to be postmaster at Kealia, Hawaii. Office became presidential January 1, 1923.

ILLINOIS.

Blanche V. Anderson to be postmaster at Leland, Ill., in place of B. V. Anderson. Incumbent's commission expired December 6, 1922.

David G. Birkett to be postmaster at Washington, Ill., in place of G. W. Cress. Incumbent's commission expired October 24, 1922.

Harry C. Shales to be postmaster at North Crystal Lake, Ill., in place of H. C. Shales. Incumbent's commission expired December 6, 1922.

John F. Mains to be postmaster at Stronghurst, Ill., in place of J. F. Mains. Incumbent's commission expired December 6, 1922.

Ralph Austin to be postmaster at Milford, Ill., in place of David McFadden. Incumbent's commission expired October 24, 1922.

William C. Kelley to be postmaster at Simpson, Ill. Office became presidential January 1, 1923.

INDIANA.

Lee H. Pillers to be postmaster at Monroeville, Ind., in place of A. S. Robinson, resigned.

Roy M. Nading to be postmaster at Flat Rock, Ind. Office became presidential January 1, 1923.

IOWA.

Lewis H. Mayne to be postmaster at Emmetsburg, Iowa, in place of P. H. Donlon, removed.

William D. Lorenzen to be postmaster at McCallsburg, Iowa, in place of W. A. Stevenson, removed.

Samuel C. Laverty to be postmaster at Promise City, Iowa. Office became presidential January 1, 1923.

KANSAS.

John A. Stark to be postmaster at Bonner Springs, Kans., in place of W. S. Twist, resigned.

Ellen Simmons to be postmaster at Cottonwood Falls, Kans., in place of L. E. Waddell. Incumbent's commission expired September 13, 1922.

Oliver R. Durham to be postmaster at Udall, Kans., in place of E. B. Pontius, resigned.

David H. White to be postmaster at Merriam, Kans. Office became presidential January 1, 1923.

KENTUCKY.

Claude A. Foote to be postmaster at Sulphur, Ky. Office became presidential October 1, 1921.

Charles A. Glascock to be postmaster at Flemingsburg, Ky., in place of Anna Glascock, appointed but not commissioned.

LOUISIANA.

Dudley V. Wigner to be postmaster at Vidalia, La., in place of H. J. Knight, resigned.

Henry A. Forshag to be postmaster at Crowley, La., in place of A. G. Lormand. Incumbent's commission expired September 5, 1922.

Theophile P. Talbot to be postmaster at Napoleonville, La., in place of T. P. Talbot. Incumbent's commission expired May 16, 1922.

MAINE.

Frank O. Wellcome to be postmaster at Yarmouth, Me., in place of F. O. Wellcome. Incumbent's commission expired September 28, 1922.

MARYLAND.

Horace O. Makinson to be postmaster at Ellicott City, Md., in place of E. A. Rodey. Incumbent's commission expired September 5, 1922.

MASSACHUSETTS.

John G. Faxon to be postmaster at Fitchburg, Mass., in place of J. R. Smith, deceased.

James F. Healy to be postmaster at Worcester, Mass., in place of J. F. Healy. Incumbent's commission expired June 27, 1922.

MICHIGAN.

Grace Tillie to be postmaster at Honor, Mich., in place of E. L. Lewandowsky, resigned.

Gertrude S. Scott to be postmaster at Sterling, Mich., in place of E. J. Bullock. Incumbent's commission expired September 13, 1922.

Perry Anderson to be postmaster at Stanwood, Mich. Office became presidential January 1, 1923.

MINNESOTA.

Nels A. Thorson to be postmaster at Crookston, Minn., in place of W. T. Nicholson. Incumbent's commission expired September 26, 1922.

MISSISSIPPI.

James C. Brent to be postmaster at Biloxi, Miss., in place of J. R. Meunier. Incumbent's commission expired November 18, 1922.

Willie Ramsey to be postmaster at Drew, Miss., in place of J. P. Bullock. Incumbent's commission expired November 18, 1922.

James L. Donald to be postmaster at Tutwiler, Miss., in place of J. L. Donald. Incumbent's commission expired September 19, 1922.

John L. Kirby to be postmaster at Water Valley, Miss., in place of J. L. Kirby. Incumbent's commission expired September 19, 1922.

William W. Cain to be postmaster at West, Miss., in place of W. W. Cain. Incumbent's commission expired November 18, 1922.

MISSOURI.

George L. Pemberton to be postmaster at Charleston, Mo., in place of M. L. Edwards. Incumbents' commission expired September 5, 1922.

David W. Puthuff to be postmaster at Bolivar, Mo., in place of F. L. Stufflebam. Incumbent's commission expired October 14, 1922.

John R. Edwards to be postmaster at Dawn, Mo., in place of Emma Currin. Office became third class January 1, 1921.

NEBRASKA.

Harry A. Riley to be postmaster at Spalding, Nebr., in place of E. J. Whalen. Incumbent's commission expired November 21, 1922.

NEVADA.

Annie J. Christensen to be postmaster at Fernley, Nev. Office became presidential January 1, 1923.

NEW HAMPSHIRE.

Alice R. Thompson to be postmaster at Antrim, N. H., in place of H. W. Eldredge, resigned.

Edson M. Barker to be postmaster at Plymouth, N. H., in place of H. B. Heath. Incumbent's commission expired September 19, 1922.

Wells D. Foote to be postmaster at South Lyndeboro, N. H. Office became presidential January 1, 1923.

NEW JERSEY.

Walter W. Whitman to be postmaster at Pleasantville, N. J., in place of T. H. Obert. Incumbent's commission expired October 24, 1922.

Reuben Coyte to be postmaster at Coytesville, N. J., in place of Reuben Coyte. Incumbent's commission expired October 24, 1922.

William G. Britton to be postmaster at Frenchtown, N. J., in place of O. R. Kugler. Incumbent's commission expired May 6, 1920.

Clayton E. Green to be postmaster at Glen Gardner, N. J., in place of Watson Rhinehart. Incumbent's commission expired October 24, 1922.

Peter Tillman to be postmaster at Rahway, N. J., in place of G. L. Kirchgasner. Incumbent's commission expired October 24, 1922.

Edward J. Tidabach to be postmaster at Short Hills, N. J., in place of E. J. Tidabach. Incumbent's commission expired October 24, 1922.

William A. Polhemus to be postmaster at Whippany, N. J., in place of J. P. Walsh. Incumbent's commission expired October 24, 1922.

NEW MEXICO.

Harvey Springer to be postmaster at Dawson, N. Mex., in place of Harvey Springer. Incumbent's commission expired November 18, 1922.

NEW YORK.

Emil M. Pabst to be postmaster at Huntington Station, N. Y., in place of J. L. Durney. Incumbent's commission expired October 24, 1922.

Hilbert W. Becker to be postmaster at Brightwaters, N. Y. Office became presidential January 1, 1923.

Christopher Martin to be postmaster at Altamont, N. Y., in place of G. S. Vroman. Incumbent's commission expired November 21, 1922.

Robert B. Hoag to be postmaster at Iona Island, N. Y., in place of R. B. Hoag. Incumbent's commission expired November 21, 1922.

Albert M. Thayer to be postmaster at Livonia, N. Y., in place of A. M. Thayer. Incumbent's commission expired November 21, 1922.

Charles G. Mackey, jr., to be postmaster at Milton, N. Y., in place of F. H. Smith. Incumbent's commission expired November 21, 1922.

Henry A. Holley to be postmaster at Otisville, N. Y., in place of L. N. S. Rockwell. Incumbent's commission expired March 28, 1920.

Francis D. Lynch to be postmaster at Stony Point, N. Y., in place of F. D. Lynch. Incumbent's commission expired November 21, 1922.

NORTH CAROLINA.

Grover C. Robbins to be postmaster at Blowing Rock, N. C., in place of T. H. Coffey. Incumbent's commission expired September 5, 1922.

Robert D. Herndon to be postmaster at Chapel Hill, N. C., in place of R. L. Strowd, resigned.

Jasper R. Guthrie to be postmaster at Graham, N. C., in place of R. N. Cook. Incumbent's commission expired October 24, 1922.

Joseph M. Carstarphen to be postmaster at Tarboro, N. C., in place of W. D. Leggett, resigned.

NORTH DAKOTA.

Luella F. Stewart to be postmaster at Bottineau, N. Dak., in place of R. B. Stewart, removed.

James E. Galehouse to be postmaster at Carrington, N. Dak., in place of J. W. Stambaugh. Incumbent's commission expired September 5, 1922.

Chapin Hayford to be postmaster at Casselton, N. Dak., in place of William Strehlow. Incumbent's commission expired September 5, 1922.

Clarence G. Mathys to be postmaster at Wilton, N. Dak., in place of Samuel Fairman. Incumbent's commission expired September 5, 1922.

OHIO.

Charles F. Decker to be postmaster at Vermilion, Ohio, in place of C. A. Trinter. Incumbent's commission expired September 19, 1922.

Eugene G. Dick to be postmaster at Oberlin, Ohio, in place of M. A. Houghton. Incumbent's commission expired September 19, 1922.

OKLAHOMA.

Eugene F. Harreld to be postmaster at Ardmore, Okla., in place of T. L. Hopson, resigned.

Cora A. Sharp to be postmaster at Foraker, Okla. Office became presidential July 1, 1922.

S. Edgar Thomas to be postmaster at Dewey, Okla., in place of Leslie Hurlock, resigned.

Charles C. Sellers to be postmaster at Quapaw, Okla., in place of A. G. Sweezy, removed.

PENNSYLVANIA.

Jennie A. Hickernell to be postmaster at Schaefferstown, Pa. Office became presidential January 1, 1923.

Edythe T. Davies to be postmaster at Girardville, Pa., in place of P. J. McLane, deceased.

George D. Frey to be postmaster at Newville, Pa., in place of T. A. Derick, resigned.

SOUTH CAROLINA.

Benjamin F. Foreman to be postmaster at Allendale, S. C., in place of M. V. Keel. Incumbent's commission expired December 23, 1922.

TEXAS.

Pierce Mayer to be postmaster at Corsicana, Tex., in place of A. N. Justiss. Incumbent's commission expired September 5, 1922.

James J. Ormsbee to be postmaster at El Paso, Tex., in place of E. A. Shelton, removed.

Ferman Carpenter to be postmaster at Franklin, Tex., in place of L. L. Bradbury. Incumbent's commission expired September 5, 1922.

Annie S. Watson to be postmaster at Sugar Land, Tex., in place of A. S. Watson. Incumbent's commission expired January 24, 1922.

UTAH.

John F. Hunter to be postmaster at Helper, Utah, in place of B. E. Hemphill, resigned.

VERMONT.

Ray H. Dearborn to be postmaster at South Fairlee, Vt. Office became presidential January 1, 1921.

VIRGINIA.

Charles F. Gauthier to be postmaster at Bristol, Va., in place of E. S. Kendrick, removed.

William B. Murphy to be postmaster at Charlottesville, Va., in place of J. S. White. Incumbent's commission expired September 13, 1922.

Blanche M. E. Harris to be postmaster at Crozet, Va., in place of E. F. Harris. Incumbent's commission expired July 21, 1921.

Tivy E. Jenkins to be postmaster at Wilder, Va., in place of L. T. Addington, resigned.

WASHINGTON.

Frank Givens to be postmaster at Port Orchard, Wash., in place of E. R. Hanks. Incumbent's commission expired October 14, 1922.

Ira S. Fields to be postmaster at Woodland, Wash., in place of L. M. Fields. Incumbent's commission expired October 14, 1922.

Joseph L. Milner to be postmaster at Almira, Wash., in place of W. P. Conners. Incumbent's commission expired October 14, 1922.

Inez G. Spencer to be postmaster at Creston, Wash., in place of I. G. Spencer. Incumbent's commission expired November 21, 1922.

Charles C. King to be postmaster at Entiat, Wash., in place of C. C. King. Incumbent's commission expired October 14, 1922.

Tolaver T. Richardson to be postmaster at Northport, Wash., in place of T. T. Richardson. Incumbent's commission expired October 14, 1922.

Edward Hinkley to be postmaster at Snohomish, Wash., in place of J. W. Miller. Incumbent's commission expired October 14, 1922.

Maud E. Hays to be postmaster at Starbuck, Wash., in place of M. E. Hays. Incumbent's commission expired October 14, 1922.

Matthew W. Miller to be postmaster at Waterville, Wash., in place of J. M. G. Wilson. Incumbent's commission expired October 14, 1922.

WEST VIRGINIA.

Fred A. Smith to be postmaster at Northfork, W. Va., in place of W. S. Wray. Incumbent's commission expired November 21, 1922.

WISCONSIN.

Joseph F. Huber to be postmaster at West Bend, Wis., in place of H. B. Kaempfer, resigned.

Leon F. Pallister to be postmaster at Brandon, Wis., in place of L. B. Halsey. Incumbent's commission expired October 24, 1922.

Albert L. Marsh to be postmaster at Elroy, Wis., in place of J. H. Smith. Incumbent's commission expired September 5, 1922.

George L. Leverenz to be postmaster at New Holstein, Wis., in place of W. W. Lauson. Incumbent's commission expired September 5, 1922.

Oscar C. Wertheimer to be postmaster at Watertown, Wis., in place of J. W. Moore. Incumbent's commission expired September 5, 1922.

R. Claire Dixon to be postmaster at Silverlake, Wis. Office became presidential October 1, 1922.

WYOMING.

Alma N. Johnson to be postmaster at Yoder, Wyo. Office became presidential January 1, 1923.

James Syme to be postmaster at Superior, Wyo., in place of E. L. George, removed.

CONFIRMATIONS.

Executive nominations confirmed by the Senate February 12, 1923.

UNITED STATES MARSHAL.

Martin Brown to be United States marshal, western district of Michigan.

POSTMASTERS.

ILLINOIS.

Paul M. Green, Bluffs.
Viola E. Buckingham, Washburn.

KENTUCKY.

Mollie L. Nolan, Harlan.

OHIO.

Charles C. Shaffer, Alliance.

PENNSYLVANIA.

Otto R. Baer, Irwin.

HOUSE OF REPRESENTATIVES.

MONDAY, *February 12, 1923.*

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

O Thou who makest the morning and the evening to rejoice, lift upon us the light and the blessing of Thy holy countenance. Thou who are the light of life, illuminate the pathway that awaits us. When other voices tempt and other guides are false, keep us in the way of Thy truth. May we be proud to listen to human appeals and always magnanimous to serve their needs. O may we know how to use power. The God of the nations bless our country. We are touched with gratitude to-day as we get a glimpse of the past. On this his natal day, bless us with the spirit of him whose heart bore no guile, whose mind stored no prejudice, and who breathed upon all men heaven's blessing when he said: "With malice toward none and charity for all." When the shadow of the dusk descends, bring to our breasts the blessings of a day well spent. Amen.

The Journal of the proceedings of Saturday, February 10, and of Sunday, February 11, 1923, was read and approved.

SWEARING IN OF A MEMBER.

Mr. CURRY. Mr. Speaker, I have the honor to present and request that the oath of office be administered to Mrs. MAE ELLA HUNT NOLAN, Representative elect from the fifth California district, to fill the vacancy caused by the death of her husband, Hon. John I. Nolan, who for nearly five terms so ably represented that district in Congress.

The SPEAKER. The certificate seems to be in proper form.

Mrs. NOLAN appeared at the bar of the House and took the oath of office prescribed by law, the Members rising and applauding.

APPRENTICES IN THE GOVERNMENT PRINTING OFFICE.

Mr. ANDERSON. Mr. President, I call up the conference report on the appropriation bill for the legislative branch of the Government.

Mr. BLANTON. Mr. Speaker, may I submit a request for unanimous consent?

The SPEAKER. The gentleman from Minnesota calls up a conference report, and that has preference.

Mr. BLANTON. Will the gentleman allow me to submit a request for unanimous consent? It will take but a moment.

Mr. ANDERSON. Very well.

Mr. BLANTON. I ask unanimous consent to place in the RECORD the letter which the Public Printer has sent to the membership this morning, approving the Senate amendment which is embraced in the motion made by the gentleman from Pennsylvania [Mr. KIESS].